

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1139

S.P. 332

In Senate, February 22, 2001

**An Act to Ensure Access to Energy Markets for Maine's Small
Hydroelectric Facilities.**

Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator EDMONDS of Cumberland.
Cosponsored by Senators: BROMLEY of Cumberland, DOUGLASS of Androscoggin,
KILKELLY of Lincoln, LONGLEY of Waldo, O'GARA of Cumberland.

Be it enacted by the People of the State of Maine as follows:

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36

Sec. 1. 35-A MRSA §3305-A is enacted to read:

§3305-A. Sale of electricity by small hydroelectric facility

A small power producer may sell electricity from a small hydroelectric facility to a transmission and distribution utility without prior approval or rate approval of the commission. A transmission and distribution utility shall purchase the power output of the small hydroelectric facility at the average wholesale market clearing price for the period during which the electricity is metered and sold to the utility. For purposes of this section, a "small hydroelectric facility" means a hydroelectric generation facility with a power production capacity of no more than 5 megawatts.

Sec. 2. PL 1997, c. 316, §9 is amended to read:

Sec. 9. New contracts. ~~Notwithstanding~~ Except as provided in the Maine Revised Statutes, Title 35-A, ~~chapter 33, an electric utility or section 3305-A,~~ a transmission and distribution utility ~~may not be~~ is not required pursuant to Title 35-A, chapter 33 to enter into a contract to purchase power from a qualifying facility ~~after the effective date of this Act.~~ Nothing in this section abrogates existing law or rules that provide qualifying facilities with the right to sell energy to an electric utility prior to March 1, 2000 on an as-available basis at the utility's short-term-only rate or to sell capacity and energy to an electric utility at any time before or after March 1, 2000 on a basis voluntarily and mutually agreed to by the qualifying facility and the electric utility.

SUMMARY

This bill requires transmission and distribution utilities to purchase power from hydroelectric energy facilities with a capacity of less than 5 megawatts at the average wholesale market clearing price for the period during which the electricity is metered.