

# MAINE STATE LEGISLATURE

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**UTILITIES AND ENERGY**

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**STATE OF MAINE  
SENATE  
124TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 654, L.D. 1682, Bill, "An Act To Amend the Electric Utility Industry Laws as They Relate to Renewable Resources"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**Sec. 1. 35-A MRSA §3210, sub-§2, ¶B-1**, as enacted by PL 2007, c. 403, §2, is repealed.

**Sec. 2. 35-A MRSA §3210, sub-§2, ¶B-2**, as enacted by PL 2007, c. 403, §3, is amended to read:

B-2. "Renewable energy credit" means a tradable instrument that represents an amount of electricity generated from renewable capacity resources as defined in section 3210-C, subsection 1, paragraph E.

**Sec. 3. 35-A MRSA §3210, sub-§2, ¶B-3** is enacted to read:

B-3. "Renewable capacity resource" means a source of electrical generation:

(1) Whose total power production capacity does not exceed 100 megawatts and relies on one or more of the following:

- (a) Fuel cells;
- (b) Tidal power;
- (c) Solar arrays and installations;
- (d) Geothermal installations;
- (e) Hydroelectric generators that meet all state and federal fish passage requirements applicable to the generator; or
- (f) Biomass generators that are fueled by wood or wood waste, landfill gas or anaerobic digestion of agricultural products, by-products or wastes; or

**COMMITTEE AMENDMENT**

1           (2) That relies on wind power installations.

2           **Sec. 4. 35-A MRSA §3210, sub-§2, ¶B-4** is enacted to read:

3           B-4. "New" as applied to any renewable capacity resource means a renewable  
4           capacity resource that:

5           (1) Has an in-service date after September 1, 2005;

6           (2) Was added to an existing facility after September 1, 2005;

7           (3) For at least 2 years was not operated or was not recognized by the New  
8           England independent system operator as a capacity resource and, after September  
9           1, 2005, resumed operation or was recognized by the New England independent  
10           system operator as a capacity resource; or

11           (4) Was refurbished after September 1, 2005 and is operating beyond its  
12           previous useful life or is employing an alternate technology that significantly  
13           increases the efficiency of the generation process.

14           For the purposes of this paragraph, "capacity resource" has the same meaning as in  
15           section 3210-C, subsection 1, paragraph A.

16           **Sec. 5. 35-A MRSA §3210, sub-§2, ¶C**, as repealed and replaced by PL 1999, c.  
17           398, Pt. I, §2, is amended to read:

18           C. "Renewable resource" means a source of electrical generation:

19           (1) That qualifies as a small power production facility under the Federal Energy  
20           Regulatory Commission rules, 18 Code of Federal Regulations, Part 292, Subpart  
21           B, as in effect on January 1, 1997; or

22           (2) Whose total power production capacity does not exceed 100 megawatts and  
23           that relies on one or more of the following:

24           (a) Fuel cells;

25           (b) Tidal power;

26           (c) Solar arrays and installations;

27           (d) Wind power installations;

28           (e) Geothermal installations;

29           (f) Hydroelectric generators;

30           (g) Biomass generators that are fueled by wood or wood waste, landfill gas  
31           or anaerobic digestion of agricultural products, by-products or wastes; or

32           (h) Generators fueled by municipal solid waste in conjunction with  
33           recycling.

34           **Sec. 6. 35-A MRSA §3210-C, sub-§1, ¶E**, as amended by PL 2007, c. 293, §1,  
35           is further amended to read:

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1 E. "Renewable capacity resource" means a renewable resource, as defined has the  
2 same meaning as in section 3210, subsection 2, paragraph C, ~~except the maximum~~  
3 ~~total power production capacity limit of 100 megawatts under section 3210,~~  
4 ~~subsection 2, paragraph C does not apply and "renewable capacity resource" does not~~  
5 ~~include: B-3.~~

- 6 (1) ~~A generator fueled by municipal solid waste in conjunction with recycling; or~~
- 7 (2) ~~A hydroelectric generator unless it meets all state and federal fish passage~~  
8 ~~requirements applicable to the generator.~~

9 **Sec. 7. 35-A MRSA §3212-A, sub-§1**, as amended by PL 2009, c. 329, Pt. B, §2,  
10 is further amended to read:

11 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
12 following terms have the following meanings.

13 A. "Green power supply" means electricity or renewable energy credits for  
14 electricity generated from renewable capacity resources as defined in section ~~3210-C~~  
15 3210, subsection 1, paragraph E ~~or from a generator fueled by landfill gas B-3,~~  
16 including electricity generated by community-based renewable energy projects as  
17 defined in section 3602, subsection 1. ~~"Green power supply" includes a biomass~~  
18 ~~generator, whose fuel may include, but is not limited to, anaerobic digestion of~~  
19 ~~agricultural products, byproducts or wastes.~~

20 B. "Renewable energy credit" has the same meaning as in section 3210, subsection 2,  
21 paragraph ~~B-1~~, except that the total power production capacity limit of 100  
22 megawatts under section 3210, subsection 2, paragraph C does not apply to wind  
23 power installations B-2.

24 **Sec. 8. 35-A MRSA §3602, sub-§2**, as enacted by PL 2009, c. 329, Pt. A, §4, is  
25 amended to read:

26 **2. Eligible renewable resource.** "Eligible renewable resource" means a renewable  
27 capacity resource as defined in section 3210, subsection 2, paragraph C, ~~except that~~  
28 ~~"eligible renewable resource" does not include a generator fueled by municipal solid~~  
29 ~~waste in conjunction with recycling and does include a generator fueled by landfill gas.~~  
30 ~~"Eligible renewable resource" includes a biomass generator whose fuel includes~~  
31 ~~anaerobic digestion of agricultural products, byproducts or wastes B-3.'~~

32 **SUMMARY**

33 This amendment replaces the bill. The amendment does the following:

34 1. Clarifies which resources are subject to the 100-megawatt capacity limit on new  
35 renewable capacity resources in order to qualify for the new renewable resource portfolio  
36 requirement above 30% and related renewable energy credits under that law and the law  
37 governing green power options. Specifically, the amendment clarifies that all new  
38 renewable capacity resources except for wind power installations are subject to the 100-  
39 megawatt limit;

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COMMITTEE AMENDMENT "A" to S.P. 654, L.D. 1682

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2. Adds definitions of "new" and "renewable capacity resources" to the law governing renewable resources portfolio requirements rather than relying on cross-references to those terms as used in the capacity resource adequacy laws;

3. Specifies types of biomass generators included within the definitions of "renewable resource" and "renewable capacity resource." This clarifies that generators fueled by wood or wood waste, landfill gas or anaerobic digestion of agricultural products, by-products or wastes qualify under the basic portfolio requirement, the new renewable resource portfolio requirement, the law governing green power options and the community-based renewable energy pilot program; and

4. Amends the definition of "renewable capacity resource" in the law governing capacity resource adequacy, the definitions of "green power supply" and "renewable energy credit" in the law governing green power options and the definition of "eligible renewable resource" in the law governing the community-based renewable energy pilot program to make them consistent with the definition of "renewable capacity resource" now provided in the law governing renewable resource portfolio requirements.