

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1718

H.P. 1271

House of Representatives, December 28, 2011

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### **An Act To Improve Maine's Capacity To Produce Low-cost Renewable Energy through Hydroelectric Power**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 23, 2011. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST  
Clerk

Presented by Representative JOHNSON of Greenville.

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

2 **Sec. 1. 38 MRSA §480-D, first ¶**, as amended by PL 2009, c. 615, Pt. E, §7, is  
3 further amended to read:

4 The department shall grant a permit upon proper application and upon such terms as  
5 it considers necessary to fulfill the purposes of this article. The department shall grant a  
6 permit when it finds that the applicant has demonstrated that the proposed activity meets  
7 the standards set forth in ~~subsections 1 to 11~~ this section, except that when an activity  
8 requires a permit only because it is located in, on or over a community public water  
9 system primary protection area the department shall issue a permit when it finds that the  
10 applicant has demonstrated that the proposed activity meets the standards set forth in  
11 subsections 2 and 5.

12 **Sec. 2. 38 MRSA §480-D, sub-§12** is enacted to read:

13 **12. Dams with hydroelectric power generating potential.** The activity will not  
14 result in a reduction in the potential of a dam to produce hydroelectric power at a cost that  
15 is economically competitive with other renewable sources of electricity unless the  
16 department determines that the activity is necessary for public safety or to avoid a  
17 significant threat to the environment.

18 **SUMMARY**

19 This bill provides that the Department of Environmental Protection may not grant a  
20 permit for an activity that will result in a reduction in the potential of a dam to produce  
21 hydroelectric power at a cost that is economically competitive with other renewable  
22 sources of electricity unless the department determines that the activity is necessary for  
23 public safety or to avoid a significant threat to the environment.