

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 132

H.P. 90

House of Representatives, January 22, 2015

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**An Act To Remove the 100-megawatt Limit on Hydropower under  
the Renewable Resources Laws**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative O'CONNOR of Berwick.  
Cosponsored by President THIBODEAU of Waldo and  
Representatives: CRAFTS of Lisbon, DUNPHY of Embden, FARRIN of Norridgewock,  
FOLEY of Wells, HANLEY of Pittston, PICCHIOTTI of Fairfield, SANDERSON of Chelsea,  
WINSOR of Norway.

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

2 **Sec. 1. 35-A MRSA §3210, sub-§2, ¶B-3**, as enacted by PL 2009, c. 542, §3, is  
3 amended to read:

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

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

7 (a) Fuel cells;

8 (b) Tidal power;

9 (c) Solar arrays and installations;

10 (d) Geothermal installations; or

11 ~~(e) Hydroelectric generators that meet all state and federal fish passage~~  
12 ~~requirements applicable to the generator; or~~

13 (f) Biomass generators that are fueled by wood or wood waste, landfill gas  
14 or anaerobic digestion of agricultural products, by-products or wastes; ~~or~~

15 (2) That relies on wind power installations; or

16 (3) That relies on hydroelectric generators that meet all state and federal fish  
17 passage requirements applicable to the generators.

18 **Sec. 2. 35-A MRSA §3210, sub-§2, ¶C**, as amended by PL 2009, c. 542, §5, is  
19 further amended to read:

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

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

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

26 (a) Fuel cells;

27 (b) Tidal power;

28 (c) Solar arrays and installations;

29 (d) Wind power installations;

30 (e) Geothermal installations;

31 ~~(f) Hydroelectric generators;~~

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

34 (h) Generators fueled by municipal solid waste in conjunction with  
35 recycling; or

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(3) That relies on hydroelectric generators.

**SUMMARY**

This bill removes the 100-megawatt maximum capacity limit for a hydroelectric generator that meets all state and federal fish passage requirements applicable to generators to qualify as a renewable capacity resource and for a hydroelectric generator to qualify as a renewable resource for the purpose of meeting the State's renewable resource portfolio requirement.