

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1027

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H.P. 757

House of Representatives, February 28, 2019

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### **An Act To Eliminate the 100-megawatt Limit on Hydroelectric Generators 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 "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative HANLEY of Pittston.  
Cosponsored by Senator DOW of Lincoln and  
Representatives: HANINGTON of Lincoln, HUTCHINS of Penobscot, O'CONNOR of  
Berwick.

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 amended by PL 2015, c. 220, §1, is  
3 further 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;

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

13 (f) Biomass generators that are fueled by wood, wood waste or landfill gas;  
14 or

15 (g) Anaerobic digestion of by-products of waste from animals or agricultural  
16 crops, food or vegetative material, algae or organic refuse; ~~or~~

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

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

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

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

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

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

28 (a) Fuel cells;

29 (b) Tidal power;

30 (c) Solar arrays and installations;

31 (d) Wind power installations;

32 (e) Geothermal installations;

33 ~~(f) Hydroelectric generators;~~

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

1 (h) Generators fueled by municipal solid waste in conjunction with  
2 recycling; or  
3 (3) That relies on hydroelectric generators.

4 **SUMMARY**

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