



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 589

S.P. 205

In Senate, March 3, 2015

**An Act To Increase the Beneficial Reuse of Waste Materials and To
Promote Community-based Renewable Energy**

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Senator: DILL of Penobscot, Representatives: BLACK of Wilton,
DUCHESNE of Hudson.

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;

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.

16 **Sec. 2. 35-A MRSA §3602, sub-§3-A** is enacted to read:

17 **3-A. Net generating capacity.** "Net generating capacity" means the output of a
18 generating facility delivered to the transmission and distribution utility system excluding
19 any generation consumed by the generator for internal or on-site use.

20 **Sec. 3. 35-A MRSA §3603, sub-§2, ¶¶A and B**, as enacted by PL 2009, c. 329,
21 Pt. A, §4, are amended to read:

22 A. The ~~installed~~ net generating capacity of a program participant may not exceed 10
23 megawatts.

24 B. The total ~~installed~~ net generating capacity of all program participants combined
25 may not exceed 50 megawatts.

26 **Sec. 4. Community-based renewable energy pilot program projects.**

27 Notwithstanding the Maine Revised Statutes, Title 35-A, section 3609, a community-
28 based renewable energy project that has been certified by the Public Utilities Commission
29 by December 31, 2015 as a program participant under the community-based renewable
30 energy pilot program established in Title 35-A, section 3603 remains authorized to
31 operate as a program participant as long as the program participant continues to take
32 reasonable steps to develop and operate the project as determined by the commission.

33 **SUMMARY**

34 This bill allows biomass generators that are fueled by any type of anaerobic
35 digestion, instead of anaerobic digestion of agricultural products, by-products and wastes

1 only, as a new renewable capacity resource under the electricity generation supply source
2 portfolio requirements.

3 The bill specifies that the basis to be used for determining capacity under the
4 community-based renewable energy pilot program is net generating capacity, rather than
5 installed generating capacity. It also provides that projects authorized and certified by the
6 Public Utilities Commission before December 31, 2015 retain those approvals as long as
7 the project continues to develop and operate.