

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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Sec. 1. 35-A MRSA §3210, sub-§2, ¶B-1, as enacted by PL 2007, c. 403, §2, is repealed.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

(2) That relies on wind power installations.

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

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

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

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

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

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

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

Sec. 5. 35-A MRSA §3210, sub-§2, ¶C, as repealed and replaced by PL 1999, c. 398, Pt.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

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

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

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

(a) Fuel cells;

(b) Tidal power;

(c) Solar arrays and installations;

(d) Wind power installations;

(e) Geothermal installations;

(f) Hydroelectric generators;

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

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

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

E. "Renewable capacity resource" means a renewable resource, as defined ~~has the same meaning as~~ in section 3210, subsection 2, paragraph C, ~~except the maximum total power production capacity limit of 100 megawatts under section 3210, subsection 2, paragraph C does not apply and "renewable capacity resource" does not include:~~ B3.

~~(1) A generator fueled by municipal solid waste in conjunction with recycling; or~~

~~(2) A hydroelectric generator unless it meets all state and federal fish passage requirements applicable to the generator.~~

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

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

A. "Green power supply" means electricity or renewable energy credits for electricity generated from renewable capacity resources as defined in section ~~3210~~3210, subsection ~~1~~2, paragraph E or from a generator fueled by landfill gas B3, including electricity generated by community-based renewable energy projects as defined in section 3602, subsection 1. "Green power supply" includes a biomass generator, whose fuel may include, but is not limited to, anaerobic digestion of agricultural products, ~~byproducts or wastes.~~

B. "Renewable energy credit" has the same meaning as in section 3210, subsection 2, paragraph B1, ~~except that the total power production capacity limit of 100 megawatts under section 3210, subsection 2, paragraph C does not apply to wind power installations~~ B2.

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

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

SUMMARY

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

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

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.