

125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1718

H.P. 1271

House of Representatives, December 28, 2011

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

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.

Heather J.R. PRIEST

Clerk

Presented by Representative JOHNSON of Greenville.

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

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

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

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

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

18 SUMMARY

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