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Public Law
124th Legislature
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Chapter 542
S.P. 654 - L.D. 1682

**An Act To Amend the Electric Utility Industry
Laws as They Relate to Renewable Resources**

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

Sec. 1. 35-A MRSA §3210, sub-§2, ¶B-1, as enacted by PL 2007, c. 403, §2, is repealed.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 eligible resources or 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Sec. 5. 35-A MRSA §3210, sub-§2, ¶C, as repealed and replaced by PL 1999, c. 398, Pt.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 ~~3210C~~ 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.

Effective July 12, 2010