



127th MAINE LEGISLATURE

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Legislative Document

No. 273

H.P. 191

House of Representatives, February 5, 2015

**An Act To Encourage and Enhance the Future of Waste-to-energy
Facilities by Establishing a Portfolio Requirement for Electricity
from Waste Energy Resources**

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 CAMPBELL of Orrington.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: CHIPMAN of Portland, HARLOW of Portland, HICKMAN of Winthrop,
MARTIN of Eagle Lake, SHORT of Pittsfield, Senator: DILL of Penobscot.

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 (g) Waste energy resources; or

16 (2) That relies on wind power installations.

17 **Sec. 2. 35-A MRSA §3210, sub-§2, ¶D** is enacted to read:

18 D. "Waste energy resource" means a pyrolytic or other waste system that is a source
19 of electrical generation and:

20 (1) That is fueled by municipal solid waste in conjunction with recycling;

21 (2) Whose total power production capacity does not exceed 35 megawatts;

22 (3) That is licensed to comply with the air emission requirement levels for
23 resource recovery facilities established pursuant to Title 38, section 585,
24 including, but not limited to, standards for mercury established pursuant to Title
25 38, section 585-B, subsection 5;

26 (4) That complies with all applicable licensing requirements for solid waste
27 facilities as established pursuant to Title 38, section 1310-N; and

28 (5) Whose residuals are transported to a landfill that is licensed to meet at least
29 the performance standards and siting criteria established by rules adopted
30 pursuant to Title 38, section 1304, including, but not limited to, standards
31 prohibiting contamination of groundwater outside the solid waste boundary of
32 landfills.

33 **Sec. 3. 35-A MRSA §3210, sub-§3-B** is enacted to read:

34 **3-B. Portfolio requirements; waste energy resources.** Portfolio requirements for
35 waste energy resources are governed by this subsection.

1 A. Beginning July 1, 2016, as a condition of licensing pursuant to section 3203, a
2 competitive electricity provider in this State must demonstrate in a manner
3 satisfactory to the commission that no less than 3.5% of its portfolio of supply
4 sources for retail electricity sales in this State is accounted for by waste energy
5 resources. Waste energy resources used to satisfy the requirements of this paragraph
6 may not be used to satisfy the requirements of subsection 3.

7 B. Retail electricity sales pursuant to a supply contract or standard-offer service
8 arrangement executed by a competitive electricity provider that is in effect on the
9 effective date of this subsection are exempt from the requirements of this subsection
10 until the end date of the current term of the supply contract or standard-offer service
11 arrangement.

12 The commission shall adopt rules to implement this subsection. Rules adopted pursuant
13 to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
14 2-A.

15 **Sec. 4. 35-A MRSA §3210, sub-§8**, as amended by PL 2009, c. 329, Pt. A, §2, is
16 further amended to read:

17 **8. Credit trading.** The commission shall allow competitive electricity providers to
18 satisfy the portfolio requirements of subsections 3 ~~and~~, 3-A and 3-B through the use of
19 renewable energy credits if the commission determines that a reliable system of electrical
20 attribute trading exists. When renewable energy credits are used to satisfy the portfolio
21 requirements of subsections 3 ~~and~~, 3-A and 3-B, the value of a renewable energy credit
22 for electricity generated by a community-based renewable energy project, as defined in
23 section 3602, that is participating in the community-based renewable energy pilot
24 program established in section 3603 and elects the renewable energy credit multiplier
25 under section 3605 is 150% of the amount of the electricity.

26 **Sec. 5. 35-A MRSA §3210, sub-§10** is enacted to read:

27 **10. Alternative compliance payment; portfolio requirements for waste energy**
28 **resources.** The commission shall allow competitive electricity providers to satisfy the
29 portfolio requirements for waste energy resources under subsection 3-B through an
30 alternative compliance payment mechanism in accordance with this subsection.

31 A. The commission shall set the alternative compliance payment rate by rule and
32 shall publish the alternative compliance payment rate by January 31st of each year. In
33 setting the rate, the commission shall take into account prevailing market prices,
34 standard-offer service prices for electricity and reliance on alternative compliance
35 payments to meet the requirements of subsection 3-B.

36 B. The commission shall collect alternative compliance payments made by
37 competitive electricity providers and shall deposit all funds collected under this
38 paragraph in the Energy Efficiency and Renewable Resource Fund established under
39 section 10121, subsection 2 to be used to fund research, development and
40 demonstration projects relating to renewable energy technologies and to fund rebates
41 for cost-effective renewable energy technologies.

