



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 622

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H.P. 399

House of Representatives, February 14, 2023

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**An Act to Create Equal Opportunity Access to Clean Energy by  
Removing the 100-megawatt Limit on Clean Energy Sources**

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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 ARDELL of Monticello.  
Cosponsored by Senator STEWART of Aroostook and  
Representatives: BABIN of Fort Fairfield, BLIER of Buxton, BOYER of Poland, CYRWAY  
of Albion, LIBBY of Auburn, WOODSOME of Waterboro.

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 amended by PL 2019, c. 477, §1, is  
3 further amended by amending subparagraph (1) to read:

4 (1) Whose total power production capacity ~~does not exceed 100 megawatts and~~  
5 relies on one or more of the following:

- 6 (a) Fuel cells;
- 7 (b) Tidal power;
- 8 (d) Geothermal installations;
- 9 (e) Hydroelectric generators that meet all state and federal fish passage  
10 requirements applicable to the generator;
- 11 (f) Biomass generators that are fueled by wood, wood waste or landfill gas; or
- 12 (g) Anaerobic digestion of by-products of waste from animals or agricultural  
13 crops, food or vegetative material, algae or organic refuse; or

14 **Sec. 2. 35-A MRSA §3210, sub-§2, ¶C**, as amended by PL 2009, c. 542, §5, is  
15 further amended by amending subparagraph (2) to read:

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

- 18 (a) Fuel cells;
- 19 (b) Tidal power;
- 20 (c) Solar arrays and installations;
- 21 (d) Wind power installations;
- 22 (e) Geothermal installations;
- 23 (f) Hydroelectric generators;
- 24 (g) Biomass generators that are fueled by wood or wood waste, landfill gas or  
25 anaerobic digestion of agricultural products, by-products or wastes; or
- 26 (h) Generators fueled by municipal solid waste in conjunction with recycling.

27 **SUMMARY**

28 This bill removes the 100-megawatt maximum capacity limit for a source of electrical  
29 generation to qualify as a renewable resource for purposes of meeting the State's renewable  
30 resource portfolio requirement.