

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

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

**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.

### **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.