

Committee: EUT
LA: LJJ

LD1431
4/19/23
PROPOSED SPONSOR AMENDMENT
Offered by Rep. Warren

An Act Requiring the Public Utilities Commission to Adopt Rules Promoting Renewable Energy

Amend the bill by striking sections 2-4

Amend the bill by adding the following sections:

Sec. 2. 35-A MRSA §3203, sub-§4-D is enacted to read:

4-D. Residential consumer rate limit. A competitive electricity provider may not provide generation service to a residential consumer in the State at a rate greater than the standard-offer rate that would otherwise be applicable to that consumer pursuant to section 3212.

Sec. 3. 35-A MRSA §3210, sub-§2, ¶A-2 is amended to read:

A-2. "Class I resource" means a new renewable capacity resource that is also a naturally regenerative and certified green resource.

Sec. 4. 35-A MRSA §3210, sub-§2, ¶B is amended to read:

B. "Eligible resource" or "Class II resource" means a source of electrical generation that:

- (1) Generates power that can physically be delivered to the control region in which the New England Power Pool, or its successor as approved by the Federal Energy Regulatory Commission, has authority over transmission, or to the Maritimes Control Area; ~~and~~
- (2) Is either a renewable resource or an efficient resource; and
- (3) Is a naturally regenerative and certified green resource.

Sec. 5. 35-A MRSA §3210, sub-§2, ¶B-3 is amended 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;
 - (d) Geothermal installations;

- (e) Hydroelectric generators that meet all state and federal fish passage requirements applicable to the generator;
- (f) Biomass generators that are fueled by wood; ~~or wood waste or landfill gas;~~ or
- (g) Anaerobic digestion of by-products of waste from animals or agricultural crops, food or vegetative material, algae or organic refuse; or

(2) That relies on wind power installations or solar power installations.

Sec. 6. 35-A MRSA §3210, sub-§2, ¶B-5 is enacted to read:

B-5. "Naturally regenerative and certified green" means a resource that:

(1) Meets environmental and consumer protection standards established by the commission by rule; and

(2) Utilizes a source of electrical generation that relies on one or more of the following:

- (a) Tidal power;
- (b) Solar arrays and installations;
- (c) Wind power installations; and
- (d) Geothermal installations.

Sec. 7. 35-A MRSA §3210, sub-§2, ¶C 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. 8. 35-A MRSA §3212-B, sub-§1, ¶A is amended to read:

A. "Green power supply" means electricity or renewable energy credits for electricity generated from naturally regenerative and certified green renewable capacity resources as defined in section

3210, subsection 2, paragraph B-3, including electricity generated by community-based renewable energy projects as defined in section 3602, subsection 1.

Sec. 9. 35-A MRSA §3212-B, sub-§1, ¶C is enacted to read:

C. “Naturally regenerative and certified green” has the same meaning as in section 3210, subsection 2, paragraph B-5.

Sec. 10. Certified green. The Public Utilities Commission shall adopt rules to establish standards for “naturally regenerative and certified green resources” that are consistent with or rely on the Green-e certification standards developed by the Center for Resource Solutions.

Sec. 11. Study of biomass electrical generation. The Public Utilities Commission shall conduct a study of the use of biomass as a substitute for fossil fuels as a source of electrical generation. The study must include a comparison of biomass generators and generators that rely on other renewable resources, as defined in Title 35-A, section 3210, subsection 2, paragraph C, that can provide on-demand capacity, with fossil fuel generators based on:

1. Direct and indirect carbon dioxide emissions;
2. Cost;
3. Environmental impacts;
4. Reliability in Maine’s current industrial sectors; and
5. The effect of changing environmental and weather conditions on the fuels’ availability and performance.

No later than January 15, 2024, the commission shall provide to the Joint Standing Committee on Energy, Utilities and Technology a report including its study. After receiving the report, the committee may report out a bill on the subject matter of the report to the 131st Legislature in 2024.

Renumber and reletter the bill as necessary

SUMMARY

This amendment amends the bill to remove sections 2-4.

It also adds additional sections to the bill that do the following:

1. Prohibit a competitive electricity provider from charging more than the standard-offer rate that would otherwise be applicable to that consumer;
2. Amend the definitions of Class I and Class II resources and green power supply to include that they be naturally regenerative and certified green resources and the amendment defines that term;
3. Remove landfill gas as a source of electrical generation that qualifies as a renewable capacity resource and a renewable resource for the purposes of the renewable portfolio requirements under Maine Revised Statutes, Title 35-A, section 3210, subsection 2, paragraphs B-3 and C.
4. Remove generators fueled by municipal solid waste as a source of electrical generation that qualifies as a renewable resource for the purposes of the renewable portfolio requirements under Maine Revised Statutes, Title 35-A, section 3210, subsection 2, paragraph C.
5. Direct the commission to adopt rules to define “naturally regenerative and certified green resources” in accordance with Green-e certification standards; and

6. Require the Public Utilities Commission to conduct a study on the use of biomass as a substitute for fossil fuels as a source of electrical generation.