

Chapter

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Six

AN ACT RELATIVE TO THE RENEWABLE ENERGY PORTFOLIO STANDARD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Subsection (b) of section 11F of chapter 25A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- A new renewable energy generating source is also any stoker biomass combustion technology of 30 megawatts or less gross generating capacity using wood as its primary fuel, and which, after December 31, 1997, is equipped to emit equal to or less than that allowed under the low-emission air quality standards used in the renewable energy portfolio standard regulations promulgated relative to this section for similarly sized biomass facilities.

SECTION 2. Chapter 102 of the General Laws is hereby amended by adding the following section:-

Section 29. (a) As used in this section the following words shall have the following meanings:

"Horizontal clearance", the distance between the abutments of a bridge nearest to and on either side of the navigable channel used by vessels transiting through the bridge.

"Vertical clearance", the distance between mean high water and the lowest point of a bridge over the navigable channel used by vessels transiting through the bridge.

(b) No person shall direct or operate a vessel transporting liquefied natural gas through a bridge having a horizontal clearance of 250 feet or less unless the beam of such vessel is equal to or less than two-thirds of the horizontal clearance of such bridge.

(c) No person shall direct or operate a vessel transporting liquefied natural gas under a bridge having a vertical clearance of 185 feet or less.

(d) Any person who operates or directs a vessel transporting liquefied natural gas in violation of the safe clearance requirements established under this section shall be subject to a civil penalty not to exceed \$1,000,000 for each violation. Said penalty may be recovered on behalf of the commonwealth in an action brought by the attorney general in the superior court.

(e) The superior court shall have jurisdiction to enjoin any threatened or repeated violations of the safe clearance requirements established under this section by any person. An action for such relief may be brought by the attorney general, by the district attorney for the district in which the bridge

is located or by the harbor master of the city or town where the bridge is located.

(f) This section shall be applicable to transportation of liquefied natural gas to facilities constructed or expanded after July 1, 2006.

SECTION 3. Chapter 164 of the General Laws is hereby amended by inserting after section 69S the following section:-

Section 69T. The use, storage, transmission or transportation of liquefied natural gas within the commonwealth shall raise the presumption that the liquefied natural gas is intended for use or consumption within the commonwealth or for transmission or transportation from one place to another within the commonwealth and the General Laws applicable to public utilities and carriers and the rules and regulations promulgated thereunder shall apply thereto provided, however that in the safety and security zone for LNG tankers in transit upon the navigable waterways of the commonwealth established by the United States Coast Guard and authorized by the United States Code Title 33 Chapter 25 section 1225 there shall be on:

- (a) persons
- (b) piers, wharves, docks, bulkheads, or similar structures within or contiguous to navigable structures
- (c) waterfront facilities on land located within the commonwealth
- (d) flammable materials
- (e) hunting grounds or areas from which an incendiary device could be launched or
- (f) welding, torch cutting or other hotwork within such prescribed safety and security zone.

SECTION 4. This act shall take effect on July 31, 2007.

House of Representatives, July , 2006.

Passed to be enacted, , Speaker.

In Senate, July , 2006.

Passed to be enacted, , President.

, 2006.

Approved,

Governor.