

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 101

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H.P. 67

House of Representatives, January 13, 2021

### An Act To Prohibit Offshore Wind Energy Development

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Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FAULKINGHAM of Winter Harbor.  
Cosponsored by Senator DAVIS of Piscataquis and  
Representatives: GIFFORD of Lincoln, GRIGNON of Athens, MASON of Lisbon,  
O'CONNOR of Berwick, PARRY of Arundel, THORNE of Carmel, TUELL of East Machias,  
WADSWORTH of Hiram.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 35-A MRSA §3405** is enacted to read:

3 **§3405. Prohibition on offshore wind energy development projects**

4 Notwithstanding any other provision of law to the contrary, a department or agency of  
5 the State or a political subdivision thereof may not permit, approve or otherwise authorize  
6 an offshore wind energy development project.

7 For the purposes of this section, "offshore wind energy development project" includes  
8 a community-based offshore wind energy project, as that term is defined in Title 12, section  
9 682, subsection 19; a deep-water offshore wind energy pilot project as described in Public  
10 Law 2009, chapter 615, Part A, section 6, as amended by Public Law 2013, chapter 369,  
11 Part H, sections 1 and 2 and chapter 378, sections 4 to 6; an offshore wind energy  
12 demonstration project, as that term is defined in Title 38, section 480-HH, subsection 1,  
13 paragraph H; and an offshore wind power project, as that term is defined in Title 38, section  
14 480-B, subsection 6-A.

15 **Sec. 2. Maine Land Use Planning Commission; submission of legislation.**

16 On or before December 1, 2021, the Department of Agriculture, Conservation and Forestry,  
17 Maine Land Use Planning Commission shall submit legislation to the Second Regular  
18 Session of the 130th Legislature necessary to align those provisions of law under its  
19 jurisdiction with the prohibition on offshore wind energy development projects under the  
20 Maine Revised Statutes, Title 35-A, section 3405.

21 **Sec. 3. Public Utilities Commission; submission of legislation.**

22 On or before December 1, 2021, the Public Utilities Commission shall submit legislation to the Second  
23 Regular Session of the 130th Legislature necessary to align those provisions of law under  
24 its jurisdiction with the prohibition on offshore wind energy development projects under  
25 the Maine Revised Statutes, Title 35-A, section 3405.

26 **Sec. 4. Department of Environmental Protection; submission of legislation.**

27 On or before December 1, 2021, the Department of Environmental Protection shall submit  
28 legislation to the Second Regular Session of the 130th Legislature necessary to align those  
29 provisions of law under its jurisdiction with the prohibition on offshore wind energy  
30 development projects under the Maine Revised Statutes, Title 35-A, section 3405.

31 **SUMMARY**

32 This bill prohibits any department or agency of the State or any political subdivision  
33 of the State from permitting, approving or otherwise authorizing an offshore wind energy  
34 development project. The bill also requires the Department of Agriculture, Conservation  
35 and Forestry, Maine Land Use Planning Commission, the Public Utilities Commission and  
36 the Department of Environmental Protection each to submit by December 1, 2021  
37 legislation necessary to align those provisions of law under their respective jurisdictions  
38 with the prohibition on offshore wind energy development projects.

39 Under the bill, the term "offshore wind energy development project" includes  
40 community-based offshore wind energy projects, deep-water offshore wind energy pilot  
41 projects, offshore wind energy demonstration projects and offshore wind power projects,  
42 which are all categories of projects currently authorized by law.