

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1458

S.P. 599

In Senate, April 3, 2025

**An Act Regarding Compensation Fees and Related Conservation
Efforts for Solar and Wind Energy Development and High-impact
Electric Transmission Lines Under the Site Location of
Development Laws**

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in dark ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.

Cosponsored by Senators: BLACK of Franklin, CURRY of Waldo, HARRINGTON of York,
TIMBERLAKE of Androscoggin, Representative: WADSWORTH of Hiram.

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

2 **Sec. 1. 38 MRSA §482, sub-§1-B** is enacted to read:

3 **1-B. Average value of undeveloped land.** "Average value of undeveloped land" has
4 the same meaning as in Title 36, section 578, subsection 1, paragraph C, subparagraph (3).

5 **Sec. 2. 38 MRSA §482, sub-§9** is enacted to read:

6 **9. Undeveloped land.** "Undeveloped land" has the same meaning as in Title 36,
7 section 578, subsection 1, paragraph C, subparagraph (2).

8 **Sec. 3. 38 MRSA §484, sub-§3, ¶K** is enacted to read:

9 K. In making a determination under this subsection regarding the impact to existing
10 natural resources, the department may consider only the impact on the following
11 wildlife habitats, as defined in rules adopted by the department:

12 (1) High-value and moderate-value deer wintering habitat;

13 (2) The habitat of any species declared by the Commissioner of Inland Fisheries
14 and Wildlife or the director of the United States Fish and Wildlife Service to be
15 threatened or endangered;

16 (3) Seabird nesting islands;

17 (4) Significant vernal pools;

18 (5) High and moderate value inland waterfowl and wading bird habitat; and

19 (6) Shorebird nesting, feeding and staging areas.

20 The department may not include large undeveloped habitat blocks, as defined in rule,
21 as a wildlife habitat.

22 **Sec. 4. 38 MRSA §484-D, sub-§2,** as enacted by PL 2023, c. 448, §2, is repealed
23 and the following enacted in its place:

24 **2. Calculating compensation fee.** The department shall establish a compensation fee
25 amount equal to the average value of undeveloped land occupied by a renewable energy
26 development. A portion of the fee may be used to cover the cost of administering the receipt
27 and deposit of compensation fees pursuant to subsection 3.

28 The fee may not include compensation for an area:

29 A. As defined by section 480-Z, subsection 7;

30 B. Located in a designated growth area in a municipal comprehensive plan in
31 accordance with Title 30-A, section 4349-A, subsection 1, paragraph A; or

32 C. On a brownfield or a property contaminated by PFAS, as defined in Title 32, section
33 1732, subsection 5-A.

34 **Sec. 5. 38 MRSA §484-D, sub-§3,** as enacted by PL 2023, c. 448, §2, is repealed
35 and the following enacted in its place:

36 **3. Disposition of compensation fees.** The department shall deposit compensation
37 fees received under this section in the Land for Maine's Future Trust Fund established in
38 Title 5, section 6203-D.

Sec. 6. 38 MRSA §484-D, sub-§6, as enacted by PL 2023, c. 448, §2, is amended to read:

6. Rules. The department shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are ~~major-substantive~~ routine technical rules under Title 5, chapter 375, subchapter 2-A.

SUMMARY

Under current law, the Department of Environmental Protection is required to establish and maintain a compensation fee program to offset the adverse effects of a renewable energy development project and to determine the compensation fee amounts based on criteria established by the department.

This bill removes the requirement that the department establish the criteria for compensation and instead requires a compensation fee equal to the average value of the undeveloped land occupied by the renewable energy development project, with certain exceptions. The bill also specifies which wildlife habitats the department may consider for purposes of determining an adverse effect. Finally, the bill changes rules adopted by the department to routine technical rules.