

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 891

S.P. 341

In Senate, March 5, 2009

**An Act To Amend the Site Location of Development Laws To
Include Consideration of Greenhouse Gas Emissions**

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative: MacDONALD of Boothbay.

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

2 **Sec. 1. 38 MRSA §484, sub-§11** is enacted to read:

3 11. Greenhouse gas emissions. The proposed development will not result in or
4 contribute to unreasonable emissions of greenhouse gases. In making a determination
5 under this subsection, the department may consider factors related to the location, design,
6 construction and operation of the development, including, but not limited to, land use,
7 transportation, building materials, building energy usage, energy conservation policies
8 and actions, and solid waste.

9 **Sec. 2. 38 MRSA §489-E** is enacted to read:

10 **§489-E. Greenhouse gas emissions mitigation**

11 1. Mitigation. In determining, pursuant to section 484, subsection 11, whether a
12 development will result in unreasonable emissions of greenhouse gases, the department
13 may consider mitigation of emissions of greenhouse gases. For purposes of this
14 subsection, "mitigation" means any action taken or not taken to avoid, minimize, rectify,
15 reduce, eliminate or compensate for emissions of greenhouse gases. The department may
16 require that compensation for emissions of greenhouse gases include the design,
17 implementation and maintenance of a greenhouse gas offset compensation project or may
18 allow the applicant to pay a greenhouse gas compensation fee.

19 A. The department may establish a compensation fund for the purpose of receiving
20 compensation fees other than those paid directly to a state entity as provided in
21 paragraph B, grants and other related income under this section. Income received
22 under this paragraph must be deposited to the credit of the compensation fund and
23 may be invested as provided by law. Interest on these investments must be credited
24 to the compensation fund. The department may make payments from the
25 compensation fund consistent with the purpose of the fund. A project that is funded
26 in whole or in part from the compensation fund must be approved by the department,
27 except that the department may transfer to or deposit greenhouse gas compensation
28 funds with the Energy and Carbon Savings Trust established under Title 35-A,
29 section 10008 for use in energy conservation and efficiency projects that do not
30 require approval by the department.

31 B. The department may require that all or a portion of a greenhouse gas
32 compensation fee be paid directly to a state entity designated by the department for
33 use in energy efficiency and conservation projects that do not require approval by the
34 department.

35 **SUMMARY**

36 This bill adds a new standard to the laws governing site location of development to
37 allow the Department of Environmental Protection to review and consider the greenhouse
38 gas emissions likely to occur as a result of the project. The bill also provides a related
39 provision concerning mitigation.