

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1362

H.P. 1001

House of Representatives, March 30, 2011

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**An Act To Ensure Accurate Valuation of a Community Benefits  
Package for Communities That Host Wind Energy Developments**

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Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative DUNPHY of Embden.  
Cosponsored by Senator WHITTEMORE of Somerset and  
Representatives: BLACK of Wilton, CRAFTS of Lisbon, DAMON of Bangor, FOSTER of  
Augusta, PARKER of Veazie, RICHARDSON of Warren, RIOUX of Winterport, WINTLE of  
Garland.

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

2 **Sec. 1. 35-A MRSA §3451, sub-§1-C**, as enacted by PL 2009, c. 642, Pt. A, §3,  
3 is repealed.

4 **Sec. 2. 35-A MRSA §3451, sub-§1-D** is enacted to read:

5 **1-D. Community benefits package.** "Community benefits package" means the net  
6 value of:

7 A. The positive value of the aggregate collection of tangible benefits resulting from  
8 any of the following:

9 (1) Payments, not including property tax payments, to the host community or  
10 communities, including, but not limited to, payments under community benefit  
11 agreements;

12 (2) Payments that reduce energy costs in the host community or communities;  
13 and

14 (3) Any donations for land or natural resource conservation; and

15 B. The negative value of the collection of community losses that might be expected  
16 as the result of the construction, operation or maintenance of an expedited wind  
17 energy development, as determined pursuant to standards adopted by the department  
18 by rule. Such losses shall include property value losses, business revenue losses or  
19 any losses, material or otherwise, that are demonstrated by a person or entity owning  
20 property within the host community. Rules adopted under this paragraph are routine  
21 technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

22 **Sec. 3. 35-A MRSA §3454, sub-§2**, as enacted by PL 2009, c. 642, Pt. A, §7, is  
23 amended to read:

24 **2. Community benefits package requirement.** Except as provided in subsection 3,  
25 to demonstrate that an expedited wind energy development provides significant tangible  
26 benefits as required in Title 12, section 685-B, subsection 4-B and Title 38, section 484,  
27 subsection 10, the applicant for an expedited wind energy development is required to  
28 establish a community benefits package valued at no less than \$4,000 per year per wind  
29 turbine included in the expedited wind energy development, averaged over a 20-year  
30 period. The community benefits package must include financial assurance in the form of  
31 a bond or specialized insurance product to ensure that the community benefits package  
32 will be paid in full if the expedited wind energy development defaults on its obligation to  
33 make payments under the community benefit agreement. This subsection does not affect  
34 the property tax obligations of an expedited wind energy development.

## 35 SUMMARY

36 This bill adds the requirement that the valuation of the community benefits package  
37 for communities that host wind energy developments account for losses such as decreases

1 in property value and business losses. The bill also requires the community benefits  
2 package to include a financial assurance that it will be paid if there is a default.