

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1386

H.P. 989

House of Representatives, April 10, 2013

**An Act To Allocate Net Revenue from Energy Corridor Leases on
the Maine Turnpike for Purposes of Energy and Environmental
Conservation**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HOBBS of Saco.

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

2 **Sec. 1. 5 MRSA §282, sub-§9**, as amended by PL 2011, c. 652, §1 and affected
3 by §14, is further amended to read:

4 **9. Energy infrastructure benefits fund.** To establish an energy infrastructure
5 benefits fund. Except as otherwise provided by Title 35-A, section 122, subsections 1-C
6 ~~and~~, 6-B and 6-C or any other law, including the Constitution of Maine, the fund consists
7 of any revenues derived from the use of state-owned land and assets for energy
8 infrastructure development pursuant to Title 35-A, section 122. Each fiscal year, the
9 Treasurer of State shall transfer revenues collected in the fund to the Efficiency Maine
10 Trust for deposit by the Efficiency Maine Trust Board in program funds pursuant to Title
11 35-A, section 10103, subsection 4 and use by the trust in accordance with Title 35-A,
12 section 10103, subsection 4-A. For the purposes of this subsection, "energy
13 infrastructure" and "state-owned" have the same meanings as in Title 35-A, section 122,
14 subsection 1.

15 **Sec. 2. 35-A MRSA §122, sub-§6-C** is enacted to read:

16 **6-C. Revenues from energy infrastructure corridors owned by the Maine**
17 **Turnpike Authority.** Notwithstanding subsection 6-A, an occupancy agreement
18 concluded under this section must provide that 90% of net revenue generated from the
19 use of land, rights-of-way and other assets owned by the Maine Turnpike Authority must
20 be paid to the Maine Turnpike Authority and 10% of such net revenue must be deposited
21 into the energy infrastructure benefits fund established in Title 5, section 282, subsection
22 9. Net revenue paid to the Maine Turnpike Authority must be used by the authority for
23 environmental and energy conservation purposes, including but not limited to the
24 following:

25 A. Development of open road tolling, all-electronic tolling and other strategies to
26 conserve motor fuel;

27 B. Protection of watersheds affected by the Maine Turnpike and its associated
28 structures;

29 C. Wetland damage mitigation and the protection of species endangered by turnpike
30 development or expansion;

31 D. Reducing the environmental impact of salt, sand and other substances necessary
32 for road clearance;

33 E. Use of sensors linked by fiber-optic networks to save fuel and enhance safety by
34 monitoring highway traffic and weather conditions;

35 F. Gains in energy efficiency by such means as installing LED lighting, improving
36 insulation and converting heating systems to natural gas or alternative fuels; and

37 G. Joint projects with the Department of Transportation on department projects, as
38 defined in Title 23, section 1964, subsection 4-A, to enhance environmental and
39 energy conservation within the State's transportation infrastructure subject to the
40 limits in Title 23, section 1961, subsection 7.

1 As used in this subsection, "net revenue" means the amounts owed to the Maine Turnpike
2 Authority as reimbursement for its costs pursuant to an agreement negotiated pursuant to
3 subsection 1-C prior to determining the amount of revenue to be divided between the
4 Maine Turnpike Authority and the State under an occupancy agreement concluded under
5 this section.

6

SUMMARY

7 Current law requires that net revenue from the lease of an energy corridor on the
8 Maine Turnpike's right-of-way be deposited in the Efficiency Maine Trust. This bill
9 instead requires 10% of the net revenue to be deposited in the Efficiency Maine Trust and
10 requires the balance to be used by the Maine Turnpike Authority for environmental and
11 energy conservation initiatives either for the Maine Turnpike or for the State's broader
12 transportation sector in joint projects with the Department of Transportation as currently
13 allowed for in the turnpike's enabling act.