

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1847

S.P. 748

In Senate, April 27, 2023

### **An Act to Modify the Visual Impact Standards for Offshore Wind Port Development**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CURRY of Waldo. (GOVERNOR'S BILL)

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

2 **Sec. 1. 35-A MRSA §3407** is enacted to read:

3 **§3407. Determination of effect on scenic character and related existing uses**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Associated facilities" means elements of an offshore wind terminal other than the  
7 quay, fixed and mobile cranes, offshore wind foundations and wind turbine generators,  
8 that are necessary to the proper operation and maintenance of the offshore wind  
9 terminal, including but not limited to buildings, access roads and laydown areas.

10 B. "Best practical mitigation" means methods or technologies used during construction  
11 or operation of an offshore wind terminal that control or reduce to the lowest feasible  
12 level visual and scenic impacts. "Best practical mitigation" may include, but is not  
13 limited to, turbine and blade coloration to reduce visual impacts and aircraft detection  
14 technologies to reduce the need for aircraft hazard warning lighting.

15 C. "Department" means the Department of Environmental Protection.

16 D. "Offshore wind terminal" means a port facility used for fabricating floating offshore  
17 wind turbine foundations, launching floating foundations into the water, assembling  
18 wind turbine generators atop the foundations or preparing the assembled wind turbine  
19 for towing to a wet berth or installation site. "Offshore wind terminal" includes a quay  
20 with berths to accommodate the assembly of wind turbine generators and offshore wind  
21 component delivery vessels, an upland laydown area for foundation fabrication and  
22 storage of wind turbine generator components, fabrication facilities, fixed and mobile  
23 cranes, associated facilities and terminal offices and access roads.

24 **2. Application of standard.** This subsection governs the department's or the Maine  
25 Land Use Planning Commission's making findings regarding the effect of an offshore wind  
26 terminal on scenic or natural character and existing uses related to scenic character pursuant  
27 to Title 12, section 685-B, subsection 4 or Title 38, section 484, subsection 3 or Title 38,  
28 section 480-D. An offshore wind terminal project must minimize the adverse effect on  
29 scenic character and existing uses related to scenic character to the maximum extent  
30 practicable and use best practical mitigation to control and reduce visual and scenic  
31 impacts. Except as otherwise provided in subsection 3, determination that an offshore wind  
32 terminal fits harmoniously into the existing natural environment in terms of potential  
33 effects on scenic or natural character and existing uses related to scenic character is not  
34 required for approval under either Title 12, section 685-B, subsection 4, paragraph C or  
35 Title 38, section 484, subsection 3.

36 **3. Exception to standard; certain associated facilities.** The department, or in the  
37 case of certification under Title 38, chapter 3, subchapter 1, article 6 the Maine Land Use  
38 Planning Commission, shall evaluate the effect of associated facilities of an offshore wind  
39 terminal in terms of potential effects on scenic character and existing uses related to scenic  
40 character in accordance with Title 12, section 685-B, subsection 4, paragraph C or Title 38,  
41 section 484, subsection 3, in the manner provided for development other than offshore wind  
42 terminal development.

