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LD 1895

Date 7/25/23

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STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S P 766,
LD 1895, "An Act Regarding the Procurement of Energy from Offshore Wind Resources"

Amend the amendment by striking out everything after the first instructional paragraph
and inserting the following

'Sec. 1. 23 MRSA c. 412, sub-c. 3 is enacted to read

SUBCHAPTER 3

PORT FACILITIES RELATING TO OFFSHORE WIND POWER PROJECTS

§4441. Port facility-related requirements

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings

A "Offshore wind power project" has the same meaning as in Title 35-A, section 3405, subsection 1, paragraph C

B "Offshore wind terminal" has the same meaning as in Title 35-A, section 3410, subsection 1, paragraph D

C "Public authority" has the same meaning as in Title 26, section 1304, subsection 7

D "Public work" has the same meaning as in Title 26, section 1304, subsection 8

2. Public works; offshore wind terminals; agreements. Notwithstanding Title 26, section 3601, if an offshore wind terminal that is a public work is constructed or altered for the purpose of supporting an offshore wind power project, the public authority responsible for the construction or alteration shall require agreements that comply with 29 United States Code, Section 158(f) or Title 35-A, section 3408, subsection 3 for all construction work

3. Public-private partnership; agreements. If an offshore wind power project involves a public-private partnership that includes the lease of an offshore wind terminal owned or operated by the State, including any port facility owned or operated by the Maine Port Authority, the department, authority or other agency responsible for granting the lease shall require agreements that comply with 29 United States Code, Section 158(f) or Title

1 35-A, section 3408, subsection 3 as a condition of the lease for all on-site construction and
2 fabrication of materials for the offshore wind power project.

3 **Sec. 2. 35-A MRS §3401-A** is enacted to read

4 **§3401-A. Definitions**

5 As used in this chapter, unless the context otherwise indicates, the following terms
6 have the following meanings.

7 **1. Apprentice.** "Apprentice" has the same meaning as in Title 26, section 3201,
8 subsection 1.

9 **2. Certified business.** "Certified business" means a business that has been certified by
10 the federal Small Business Administration or another appropriate entity, as determined by
11 the commission by rule, as a minority-owned, veteran-owned or women-owned business.

12 **3. Community and workforce enhancement standards.** "Community and workforce
13 enhancement standards" means the standards described in section 3408, subsection 3 that
14 contractors and subcontractors responsible for construction work and individuals
15 performing construction work must meet.

16 **4. Construction work.** "Construction work" means the construction, alteration or
17 remodeling of a structure and any work directly related to the construction, alteration or
18 remodeling of a structure, including, but not limited to, landscaping and trucking, but does
19 not include surveying or engineering or the examination or inspection of a construction
20 site.

21 **5. Currently available and qualified employee.** "Currently available and qualified
22 employee" means an individual, including, but not limited to, an apprentice, performing
23 construction work who

24 A Is employed by and receives a W-2 form from a contractor or subcontractor
25 responsible for construction work and has been employed as a permanent employee by
26 that contractor or subcontractor for at least 90 calendar days prior to the
27 commencement of that contractor's or subcontractor's work, and

28 B Possesses the skills, credentials, certifications or specialized training necessary to
29 complete the required tasks upon being assigned to the construction site.

30 **6. Disadvantaged business enterprise.** "Disadvantaged business enterprise" means a
31 business that is certified by the Department of Transportation in compliance with federal
32 regulations under 49 Code of Federal Regulations, Part 26.

33 **7. Fishing community.** "Fishing community" means a municipality where marine
34 organisms, as defined in Title 12, section 6001, subsection 26, are landed or processed.

35 **8. Hiring hall.** "Hiring hall" means a service provided by a labor organization or an
36 entity associated with a labor organization that places employees with an employer under
37 a collective bargaining agreement or otherwise places employees with employers.

38 **9. Inclusive bidding standards.** "Inclusive bidding standards" means a set of
39 guidelines to ensure comprehensive engagement and involvement of the construction
40 industry, including requirements that

41 A The relevant agency or agencies responsible for awarding contracts related to the
42 construction of an offshore wind power project make a demonstrated and documented

- 1 effort to ensure broad and maximum engagement and participation of all interested
- 2 contractors upon the publication by the agency or agencies of requests for proposals
- 3 surrounding work on or related to the offshore wind power project, and
- 4 B All contractors, including, but not limited to, those headquartered in the State,
- 5 regardless of whether their employees are covered under a collective bargaining
- 6 agreement, are eligible and encouraged to bid on and participate in any work related to
- 7 an offshore wind power project
- 8 **10. Labor organization.** "Labor organization" has the same meaning as in section
- 9 3210-H, subsection 1, paragraph B
- 10 **11. Lobster Management Area 1.** "Lobster Management Area 1" means the area
- 11 defined by rule as Lobster Management Area 1 by the Department of Marine Resources
- 12 **12. Maine emerging industry compensation threshold.** "Maine emerging industry
- 13 compensation threshold" means an employment total compensation package that includes
- 14 wages, health and welfare benefits, retirement benefits and any additional employer-paid
- 15 benefits that have a monetary value equal to or greater than that established and in effect
- 16 as a result of a mutual agreement between a labor organization whose local jurisdiction
- 17 includes the county in the State where the work related to an offshore wind power project
- 18 is being or is to be performed, based on data submitted by that labor organization to the
- 19 Department of Labor, and the related and applicable contractors that are signatories to that
- 20 mutual agreement
- 21 **13. Nameplate capacity** "Nameplate capacity" has the same meaning as in section
- 22 3481, subsection 11
- 23 **14. Office.** "Office" means the Governor's Energy Office established in Title 2, section
- 24 9
- 25 **15. Offshore wind power project** "Offshore wind power project" has the same
- 26 meaning as in section 3405, subsection 1, paragraph C and includes, but is not limited to,
- 27 floating offshore wind power generation facilities
- 28 **16. Registered apprenticeship program.** "Registered apprenticeship program"
- 29 means a plan approved by the Department of Labor or the United States Department of
- 30 Labor containing all terms and conditions for the qualification, recruitment, selection,
- 31 employment and training of apprentices, including, but not limited to, the requirement for
- 32 an apprenticeship agreement, a schedule of work experience outlining the skills to be
- 33 learned on the job, a schedule of related instruction courses necessary to supplement on-
- 34 the-job learning and a schedule of progressively increasing wages to be paid to an
- 35 apprentice consistent with the skill proficiencies achieved and leading toward a journeyman
- 36 wage rate
- 37 **17. Responsible entity** "Responsible entity" means the person undertaking to develop
- 38 an offshore wind power project
- 39 **18. Small business.** "Small business" means a business employing 100 or fewer
- 40 employees
- 41 **Sec. 3. 35-A MRSA §3404, sub-§2,** as amended by PL 2009, c 615, Pt A, §4, is
- 42 repealed and the following enacted in its place

1 **2. State wind energy generation goal.** The State's goal for wind energy development
 2 in proximate federal waters is for at least 3,000 megawatts of installed capacity by
 3 December 31, 2040

4 Beginning January 1, 2025 and every 2 years thereafter, the office may reevaluate and
 5 increase the goal established by this subsection and report that goal to the joint standing
 6 committee of the Legislature having jurisdiction over energy and utilities matters

7 **Sec. 4. 35-A MRSA §3406**, as enacted by PL 2021, c 407, §3, is amended to read
 8 **§3406. Offshore Wind Research Consortium; fund established**

9 **1. Offshore Wind Research Consortium.** The Offshore Wind Research Consortium
 10 is an initiative of the ~~Governor's Energy Office~~ office, in collaboration with the Department
 11 of Marine Resources and the Department of Inland Fisheries and Wildlife, to coordinate,
 12 support and arrange for the conduct of research on offshore wind power projects in the Gulf
 13 of Maine

14 **2. Advisory board.** The ~~Governor's Energy Office~~ office, in consultation with
 15 independent scientific experts, shall establish an advisory board of the consortium to
 16 oversee the development and execution of a research strategy to better understand the local
 17 and regional impacts of floating offshore wind power projects in the Gulf of Maine The
 18 advisory board must include, but is not limited to, the following members

19 A Two individuals from organizations that represent commercial lobster harvesting
 20 interests in the State,

21 B At least one individual from an organization that represents the interest of
 22 commercial fisheries other than lobster harvesting,

23 C The Commissioner of Marine Resources, or the commissioner's designee,

24 C-1 The Commissioner of Inland Fisheries and Wildlife, or the commissioner's
 25 designee,

26 D Two individuals, not represented by an organization, that represent the interests of
 27 the commercial lobster harvesting industry and commercial fisheries in the State, and

28 E One individual from the recreational charter fishing industry,

29 F At least one individual who is a member of one of the federally recognized Indian
 30 tribes in this State,

31 G Two individuals with expertise in marine wildlife and habitats, and

32 H At least one individual with experience in commercial offshore wind power
 33 development

34 The advisory board is subject to all applicable provisions of the Freedom of Access Act
 35 The operation of the advisory board must be informed by the work of regional and national
 36 scientific entities The advisory board shall solicit input from stakeholders, including
 37 representatives of the fishing industry, state and federal agencies and scientific experts

38 **3. Research strategy.** The advisory board established in subsection 2 in developing
 39 a research strategy shall at a minimum identify

40 A Opportunities and challenges caused by the deployment of floating offshore wind
 41 power projects to the existing uses of the Gulf of Maine,

1 B Methods to avoid and minimize the impact of floating offshore wind power projects
 2 on ecosystems and existing uses of the Gulf of Maine, and
 3 C Ways to realize cost efficiencies in the commercialization of floating offshore wind
 4 power projects
 5 The advisory board shall advise the ~~Governor's Energy Office~~ office on the development
 6 of the components of the research strategy
 7 **4. Offshore Wind Research Consortium Fund; established** The Offshore Wind
 8 Research Consortium Fund, referred to in this subsection as "the fund," is established as a
 9 nonlapsing fund administered by the ~~Governor's Energy Office~~ office and the Department
 10 of Marine Resources and in coordination with the Department of Inland Fisheries and
 11 Wildlife The fund consists of funds that are appropriated by the Legislature, funds
 12 received from federal and state sources, payments from offshore wind power projects in
 13 accordance with section 3408, subsection 1, paragraph D, subparagraph (3) and other funds
 14 from any public or private source received for use for any of the purposes under this
 15 subsection The source of any funds received from public or private sources must be
 16 publicly disclosed The fund may be used to support the consortium and the work of the
 17 advisory board established in subsection 2, including for
 18 A Developing the research strategy under subsection 3,
 19 B Conducting research pursuant to the strategy developed under subsection 3,
 20 B-1 Supporting conservation actions and projects that support species and habitats
 21 impacted by offshore wind power development,
 22 C Producing reports or other materials,
 23 D Compensating independent experts, if needed to assist in the development or
 24 execution of the research strategy under subsection 3, and
 25 E Making any other expenditures that are necessary to achieve the purposes of this
 26 section
 27 The ~~Governor's Energy Office~~ office, in consultation with the advisory board, shall provide
 28 an annual report on the use of the fund in the last quarter of each calendar year to the joint
 29 standing committee of the Legislature having jurisdiction over energy and utility matters
 30 **Sec. 5. 35-A MRSA §3407** is enacted to read
 31 **§3407. Maine Offshore Wind Renewable Energy and Economic Development**
 32 **Program**
 33 **1. Program established.** The Maine Offshore Wind Renewable Energy and Economic
 34 Development Program, referred to in this section as "the program," is established to further
 35 the development and use of offshore wind power projects in the Gulf of Maine The office,
 36 in collaboration with the commission, shall administer the program in accordance with this
 37 section and shall ensure that the program is designed to advance the greenhouse gas
 38 emissions reduction obligations and climate policies of this State under Title 38, section
 39 576-A and Title 38, section 577, the renewable energy goals established in section 3210,
 40 subsection 1-A and all applicable workforce development efforts of this State Under the
 41 program, the office, in collaboration with the commission, shall

- 1 A Encourage the responsible development of offshore wind power projects to stabilize
2 energy supply prices, reduce this State's reliance on imported fossil fuels, realize direct
3 and near-term economic benefits for the people of this State and ensure the
4 achievement of this State's wind energy generation goal established in section 3404,
5 subsection 2.
- 6 B Support offshore wind power projects that result in long-term, family-supporting
7 careers, including for disadvantaged populations and communities.
- 8 C Support responsibly sited and operated offshore wind power projects that avoid or
9 minimize and compensate for impacts to wildlife, habitat, fisheries and coastal
10 communities in the Gulf of Maine.
- 11 D Support efforts to increase understanding of impacts of offshore wind power
12 projects on the marine environment and to advance research to better understand how
13 offshore wind power projects can coexist with minimal impact to existing ocean users,
14 wildlife, fisheries and the marine environment.
- 15 E Promote diversity, equity and inclusion in the development of offshore wind power
16 projects with particular consideration given to the energy and economic circumstances
17 and opportunities in coastal and socially vulnerable communities and for the federally
18 recognized Indian tribes in this State For the purposes of this paragraph, "socially
19 vulnerable communities" means those communities containing populations that are
20 disproportionately burdened by existing social inequities or lack the capacity to
21 withstand new or worsening burdens.
- 22 F Support the advancement of port infrastructure, local offshore wind power-related
23 economic development and the development of a supply chain to support the
24 development of offshore wind power projects.
- 25 G Support the development and deployment of innovative technologies to achieve the
26 energy policy and economic development objectives of this State, including energy
27 storage.
- 28 H Support the use of Maine-based technical and engineering expertise and build on
29 this State's leadership in offshore wind power, maritime industries and research and
30 development.
- 31 I Support the development of transmission infrastructure necessary for this State to
32 expeditiously meet its renewable energy and climate goals, including advancing the
33 development of shared or regional offshore wind power transmission infrastructure.
- 34 J Collaborate with other states or entities when appropriate on regional issues,
35 including, but not limited to, transmission, procurement, supply chain and workforce
36 development and research and monitoring relating to wildlife, fisheries and the Gulf of
37 Maine ecosystem.
- 38 K Support responsibly sited offshore wind power projects with generation facilities
39 located in areas outside of the area of the Gulf of Maine where the majority of lobster
40 fishing or other significant commercial fishing occurs.
- 41 L Coordinate the activities of state agencies that are affected by the development of
42 offshore wind power projects, including, but not limited to, the Department of
43 Economic and Community Development, the Department of Labor, the Department of

1 Marine Resources, the Department of Transportation, the Department of Inland
 2 Fisheries and Wildlife and the Department of Environmental Protection, and

3 M Support the development of deep-water offshore wind power projects and
 4 transmission infrastructure in the Gulf of Maine that serve the public interest by
 5 advancing the renewable energy and climate policies and economic development goals
 6 of this State and helping to reduce energy price volatility

7 **2. Federal lease stipulations.** The office, in consultation with other state agencies,
 8 including, but not limited to, the Department of Marine Resources, shall advocate for the
 9 inclusion in any leases issued by a federal agency for offshore wind energy production in
 10 federal waters provisions that will

- 11 A Support economic development, including the development of port infrastructure,
- 12 B Promote public communications plans about the leased activity,
- 13 C Ensure appropriate engagement with federally recognized Indian tribes in this State,
- 14 D Include adequate transmission planning,
- 15 E Result in access to research conducted in connection with the lease, and
- 16 F Maximize mitigation of and compensation for impacts to coastal communities,
 17 wildlife, fisheries and the marine environment

18 **Sec. 6. 35-A MRSA §3408** is enacted to read

19 **§3408. Offshore wind energy procurement**

20 **1. Preparation of requests for proposals; offshore wind power projects.** The office
 21 shall establish a schedule for competitive solicitations for the development and construction
 22 of offshore wind power projects to meet the objectives of the program as described in
 23 section 3407. The office shall prepare, in consultation with appropriate state agencies, a
 24 request for proposals to implement each competitive solicitation. Upon developing a
 25 request for proposals for a competitive solicitation under this section, the office shall submit
 26 the request for proposals to the commission for approval.

27 A A competitive solicitation under this section must specify the date on which a
 28 subsequent solicitation must be initiated and the specified date must be within 36
 29 months of a previous solicitation.

30 B The office shall make reasonable efforts to consult with entities within this State,
 31 including, but not limited to, the commission, the Office of the Public Advocate and
 32 entities included in section 3407, subsection 1, paragraph L, and other states or entities
 33 regarding coordinated competitive solicitations.

34 C A competitive solicitation under this section must seek proposals for offshore wind
 35 power projects with not less than approximately 600 megawatts of nameplate capacity
 36 or of sufficient size to enable cost-competitive commercial-scale development. A
 37 competitive solicitation developed in coordination with other states or entities may
 38 seek proposals for offshore wind power projects with a nameplate capacity of less than
 39 600 megawatts if the coordinated solicitation is in an aggregate amount sufficient to
 40 enable cost-competitive commercial-scale development.

41 D A solicitation under this section must specify bidder criteria, including

1 (1) Submission of plans that meet or exceed state and federal requirements or
2 guidelines and are consistent with the recommendations in the Maine Offshore
3 Wind Roadmap issued by the office in February 2023.

4 (a) To ensure stakeholder engagement, capacity building and equity with
5 particular consideration given to the energy and economic circumstances and
6 opportunities in coastal and socially vulnerable communities, as defined in
7 section 3407, subsection 1, paragraph E.

8 (b) To achieve economic and community benefits, including, but not limited
9 to, investments in and development of ports, supply chains and the necessary
10 workforce.

11 (c) To achieve diversity, equity and inclusion in employment and contracting
12 for the project.

13 (d) To provide for fisheries research, monitoring and mitigation, and

14 (e) To provide for environmental and wildlife research, monitoring, mitigation
15 and conservation.

16 (2) A fishing communities investment plan, as described in subsection 4.

17 (3) An agreement by the responsible entity, if it is approved for a contract under
18 this section, to pay an amount set in the solicitation of at least \$5,000 per megawatt
19 of the offshore wind power project's nameplate capacity to the Offshore Wind
20 Research Consortium Fund in accordance with section 3406, subsection 4.

21 (4) An agreement by the responsible entity, if it is approved for a contract under
22 this section, to provide financial and technical assistance necessary to implement
23 the plans listed in subparagraphs (1) and (2), and

24 (5) Workforce requirements, as described in subsection 3.

25 The office may waive any of the requirements of this paragraph if the office determines
26 that applicable federal criteria, including, but not limited to, federal lease provisions,
27 adequately achieve the applicable requirement.

28 E A competitive solicitation under this section must be announced, prior to issuance,
29 through a notice of intent and made available in draft form, including the criteria for
30 the plans required pursuant to paragraph D, for public comment. The office shall

31 (1) Conduct at least 2 public comment sessions on the solicitation, at least one of
32 which must be in person, in advance of the publication of a draft solicitation to
33 assist in the development of the contents of the draft solicitation.

34 (2) Respond in writing to the comments received regarding the draft solicitation.

35 (3) Coordinate with the Department of Economic and Community Development,
36 the Department of Marine Resources, the Department of Transportation, the
37 Department of Inland Fisheries and Wildlife and the Department of Environmental
38 Protection on the development of the criteria for the plans required pursuant to
39 paragraph D.

40 (4) Coordinate with the Department of Agriculture, Conservation and Forestry to
41 ensure submerged lands leasing rates and fees, as described in Title 12, section
42 1862, are aligned with the goals of the program as described in section 3407 and

- 1 reflect a fair market rate considering fees set by other states in the region for the
- 2 use of submerged lands in connection with an offshore wind power project.
- 3 (5) Seek public input on appropriate contracting mechanisms for inclusion in the
- 4 solicitations to address market dynamics and impacts to ratepayers, including, but
- 5 not limited to, indexing and price adjustments.
- 6 (6) Request comments on the draft solicitation from each federally recognized
- 7 Indian tribe in this State and the Maine Indian Tribal-State Commission, and
- 8 (7) In developing the plan criteria for the plans required pursuant to paragraph D,
- 9 consider all comments received under subparagraph (6).

10 **2. Requests for proposals; offshore wind power projects.** The commission shall
 11 review a solicitation developed by the office under subsection 1 and, upon finding that the
 12 solicitation is reasonably likely to attract competitive bids and further the objectives of the
 13 program as described in section 3407, shall issue a request for proposals in accordance with
 14 this subsection

15 A The office shall file with the commission the first solicitation by July 1, 2025 unless
 16 another date is established by mutual agreement between the office and the
 17 commission

18 B The commission shall issue the first request for proposals by the later of January 15,
 19 2026 and 3 months after the first auction by the federal Department of the Interior,
 20 Bureau of Ocean Energy Management for offshore wind power leases in the Gulf of
 21 Maine

22 C If, within any 3-year period between January 15, 2026 and January 1, 2039, the
 23 commission has not found a solicitation submitted by the office to be reasonably likely
 24 to further the objectives of the program as described in section 3407, the commission
 25 shall expeditiously develop and issue a request for proposals consistent with the
 26 requirements of this section

27 D The commission shall review and make a determination regarding a solicitation
 28 submitted by the office within 6 months of the date of submission

29 E If the commission determines that a contract for an amount greater than those
 30 specified in subsection 1, paragraph C is in the public interest, it may select resources
 31 and approve contracts accordingly

32 F In conducting a solicitation and selecting offshore wind power projects under this
 33 section, the commission shall ensure that selected projects result in contracts that are
 34 cost-effective for electric ratepayers over the term of the contract, taking into
 35 consideration potential quantitative and qualitative economic, environmental and other
 36 benefits to ratepayers

37 The commission shall give priority to offshore wind power projects that

- 38 (1) Have generation facilities located outside of Lobster Management Area 1,
- 39 (2) Include agreements compliant with subsection 3 or 29 United States Code,
- 40 Section 158(f) and are open to disadvantaged business enterprises and small
- 41 businesses,
- 42 (3) Provide employment and contracting opportunities for

- 1 (a) Members of federally recognized Indian tribes in this State,
- 2 (b) Workers from disadvantaged communities as defined by
 - 3 (i) The United States Council on Environmental Quality's climate and
 - 4 economic justice screening tool or by an agency of this State using
 - 5 standards similar to those in the screening tool as determined by the
 - 6 commission,
 - 7 (ii) The United States Department of Commerce, Economic Development
 - 8 Administration's economic distress criteria, or
 - 9 (iii) The United States Department of Energy's disadvantaged community
 - 10 criteria, and
- 11 (c) Certified businesses,
 - 12 (4) Provide community benefits, as determined preconstruction through
 - 13 consultation with federally recognized Indian tribes in this State, a stakeholder
 - 14 engagement process that includes disadvantaged communities, as described in
 - 15 subparagraph (3), division (b), and investments in fishing communities,
 - 16 (5) Provide financial contributions or technical assistance to support research,
 - 17 monitoring and mitigation of impacts to wildlife, fisheries and habitats and the
 - 18 minimization of environmental impacts from the offshore wind power project and
 - 19 related transmission and interconnection infrastructure,
 - 20 (6) Provide economic benefits to the State, including using an offshore wind port
 - 21 located in this State,
 - 22 (7) Maximize the hiring of residents of this State,
 - 23 (8) Maximize economic, employment and contracting opportunities for residents
 - 24 of this State and all businesses in this State, and
 - 25 (9) Provide ratepayer benefits, including, but not limited to, enhanced electric
 - 26 reliability, resource adequacy including contributing to reducing winter electricity
 - 27 price spikes and overall price impacts, avoidance of line loss and mitigation of
 - 28 transmission costs to the extent possible
- 29 The commission shall allow the office to review the bids submitted pursuant to this
- 30 subsection. The office may provide input to the commission upon review of the bids,
- 31 which may include an assessment as to whether any bids submitted are consistent with
- 32 the goals of the program as described in section 3407, subsection 1.
- 33 G The commission may direct one or more transmission and distribution utilities to
- 34 enter into long-term contracts for energy, capacity or renewable energy credits from
- 35 offshore wind power projects selected by the commission in accordance with this
- 36 subsection.
- 37 H If, at the close of a competitive bidding process conducted under this section, the
- 38 commission determines that the proposals submitted do not satisfy the requirements of
- 39 paragraph F, the commission shall reject all proposals and shall open a new competitive
- 40 bidding process under this subsection.
- 41 I Notwithstanding Title 5, section 8071, subsection 3, the commission, after
- 42 consultation with the office, may establish by rule reasonable fees that bidders must

1 submit with proposals for offshore wind power projects. Fees collected pursuant to this
 2 paragraph may be used for the administration of this section, section 3406 and section
 3 3407. Upon request of the office, the commission may transfer fees collected in
 4 accordance with this paragraph to the office for the administration of this section,
 5 section 3406 and section 3407.

6 **3. Community and workforce enhancement standards.** The following community
 7 and workforce enhancement standards apply to contractors and subcontractors involved in
 8 the construction of an offshore wind power project pursuant to this section.

9 **A. A contractor or subcontractor shall**

10 (1) Ensure that all construction workers earn compensation at or above the Maine
 11 emerging industry compensation threshold, and

12 (2) Meet the requirements outlined in Title 26, section 1317.

13 **B. Prior to the commencement of each contractor's or subcontractor's construction**
 14 work on the offshore wind power project, if that contractor or subcontractor determines
 15 that additional construction workers are necessary in excess of the contractor's or
 16 subcontractor's currently available and qualified employees to fulfill the contractor's or
 17 subcontractor's contractual obligations, the contractor or subcontractor shall

18 (1) Use the services of contractors or subcontractors that use a hiring hall in order
 19 to meet their workforce needs, and

20 (2) Provide regular employment opportunities first to members of the affected
 21 community and residents of this State and then to individuals who reside in the
 22 New England region.

23 **C. If a contractor or subcontractor, after an exhaustion of all efforts required by**
 24 paragraph B for a period of 90 business days, while remaining in compliance with all
 25 other standards and requirements of this subsection, is unable to employ enough
 26 construction workers to fulfill the contractor's or subcontractor's contractual
 27 obligations, the contractor or subcontractor may use any means necessary to fulfill the
 28 contractor's or subcontractor's contractual obligations for a period of no more than 30
 29 business days.

30 **D. If, after complying with the procedures and timing required by paragraphs B and**
 31 C, a contractor or subcontractor determines that additional construction workers are
 32 needed, that contractor or subcontractor may use the following means to fulfill the
 33 contractor's or subcontractor's contractual obligations.

34 (1) The contractor or subcontractor shall provide the opportunity to fill a minimum
 35 of 50% of all remaining construction worker hours to contractors or subcontractors
 36 that use a hiring hall in order to meet their workforce needs.

37 (2) If contractors and subcontractors that use a hiring hall in order to meet their
 38 construction workforce needs cannot maintain the minimum threshold of 50% of
 39 the remaining construction worker hours for a period of 10 consecutive business
 40 days, the requesting contractor or subcontractor may use any means considered
 41 necessary by that requesting contractor or subcontractor to fulfill the contractor's
 42 or subcontractor's contractual obligations, including continued engagement with

1 contractors and subcontractors that use a hiring hall in order to meet their
 2 construction workforce needs, in order to maintain the 50% threshold

3 E Subject to compliance with all other provisions of this subsection, a contractor or
 4 subcontractor responsible for construction work may continue to operate and
 5 implement a registered apprenticeship program and other relevant continuing
 6 education programs in order to meet an ongoing or new construction workforce
 7 demand. The registered apprenticeship program must have graduated apprentices
 8 within one year prior to the commencement of the registered apprenticeship program's
 9 sponsor's or subsponsor's construction work on the offshore wind power project

10 Contractors and subcontractors responsible for construction work that operate a
 11 registered apprenticeship program pursuant to this paragraph

12 (1) Shall meet or exceed the apprenticeship percentage requirements specified in
 13 Title 26, section 3502, subsection 1,

14 (2) Are subject to the penalties specified in Title 26, section 3502, subsection 3,
 15 and

16 (3) Shall provide proof within 7 calendar days of a request from the Department of
 17 Labor that all apprentices employed on the offshore wind power project are
 18 enrolled in a registered apprenticeship program

19 F If a contractor or subcontractor responsible for construction work determines the
 20 construction workforce needs to be decreased at any point throughout the completion
 21 of the offshore wind power project, reductions in the construction workforce or layoffs
 22 must be performed in the following priority

23 (1) Based on the skills needed, keeping those workers whose skills are still needed
 24 for the completion of the offshore wind power project, and

25 (2) Based upon seniority on the offshore wind power project, with the last
 26 construction worker commencing work on the offshore wind power project being
 27 the first construction worker to receive a layoff

28 G A contractor or subcontractor responsible for performing construction work

29 (1) Shall carry workers' compensation coverage and contribute to unemployment
 30 insurance for each construction worker on the site of the project,

31 (2) May not hire or employ the services of a temporary staffing agency or
 32 organization,

33 (3) Is prohibited from employing or using independent contractors as defined in
 34 Title 39-A, section 102, subsection 13-A, not including Maine-based individual
 35 owner-operators or sole proprietors in the transportation industry,

36 (4) Shall keep an accurate record showing the name and occupation of all
 37 construction workers employed by the contractor or subcontractor performing
 38 construction work on the offshore wind power project. The record must also show
 39 for each construction worker the hours worked, the title of the job, the hourly rate
 40 or other method of remuneration and the actual wages or other compensation, in
 41 compliance with the Maine emerging industry compensation threshold. The
 42 contractor or subcontractor shall keep a copy of the record at the construction site

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and allow inspection of the record during all reasonable hours by Department of Labor, Bureau of Labor Standards and, as applicable, the public authority and its officers and agents that let the contract,

(5) Shall post a clearly legible statement of all Maine emerging industry compensation threshold wage and benefit rates to be paid to each class of construction worker employed on the offshore wind power project This statement must be kept posted throughout the duration of the offshore wind power project and be easily accessible at the offshore wind power project construction site, and

(6) Shall retain documentation of compliance with the requirements of this subsection The records made pursuant to this subsection must be retained for 3 years after the termination of the contract for the construction work performed

H If a construction worker performing construction work at the offshore wind power project site who is paid less than the Maine emerging industry compensation threshold, that construction worker may recover from the contractor or subcontractor responsible for the construction work a penalty equal to the difference between the actual wage and benefits paid and the Maine emerging industry compensation threshold and, in addition to the penalty, reasonable attorney's fees The surety for the contractor or subcontractor responsible for the construction work is not liable for the penalty or attorney's fees

I A contractor or subcontractor shall guarantee against strikes, lockouts or similar disruptions

J A contractor or subcontractor shall demonstrate adherence to the inclusive bidding standards and document that adherence

The Department of Labor shall adopt routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A, to implement this subsection

Notwithstanding any provision of this subsection to the contrary, an agreement that meets the requirements of 29 United States Code, Section 158(f) for the covered work is deemed to comply with the requirements of this subsection

4. Fishing communities investment plan requirements. A fishing communities investment plan must include a plan for ongoing investment in fishing communities with a stated annual target rate of investment

A The plan must be designed to

- (1) Support innovation and adaptation in response to environmental change, shifting resource economics and changes in fishing practices associated with offshore wind power development,
- (2) Protect seafood-related working waterfront infrastructure,
- (3) Assist persons fishing commercially at an entry level, and
- (4) Assist persons fishing commercially seeking to provide the responsible entity with offshore services

B Investment strategies within the plan may include, but are not limited to, subsidizing commercial lending interest rates, loan guarantees and funding programs or grant programs to support persons fishing commercially and fishing-related businesses and entities established to provide support services to the fishing industry

SENATE AMENDMENT

1 C The plan must identify administration costs separately from the annual target rate of
2 investment

3 D The plan must include a requirement that the responsible entity convene an advisory
4 body made up of representatives, which may include, but are not limited to,
5 representatives from the fishing industry and fishing community, the Department of
6 Marine Resources and relevant commercial lending institutions, a person appointed by
7 the responsible entity to serve as the liaison to the fishing community and other relevant
8 persons or entities The advisory body must monitor investment plan performance
9 against the annual target, monitor effectiveness of investment strategies and identify
10 opportunities for improving fisheries and fishing communities through plan
11 investment

12 **5. Funding.** Notwithstanding section 116, subsection 4, upon receiving a written
13 request from the office, the commission may provide reasonable funding to the office for
14 the purposes of implementing the requirements of this section

15 **6. Rulemaking; protective orders** The commission shall adopt rules to implement
16 this section Rules adopted under this subsection are routine technical rules pursuant to
17 Title 5, chapter 375, subchapter 2-A The rules must include procedures for monitoring,
18 measuring and enforcing ongoing compliance by responsible entities with the requirements
19 of this section

20 A The rules must require the responsible entity to provide biannual reports to the
21 commission regarding its compliance with the plans submitted as part of its bid under
22 subsection 2 The rules must require a report submitted by the responsible entity to
23 exclude personally identifying information to the greatest extent practicable If the
24 report includes confidential or proprietary information, trade secrets or similar matters
25 as provided by the Maine Rules of Civil Procedure, Rule 26(c), the commission may
26 issue appropriate protective orders in accordance with section 1311-A with respect to
27 those portions of the report and shall make available to the public an appropriately
28 redacted copy of the report The commission shall provide to the office the redacted
29 copy, which the office shall post on the office's publicly accessible website

30 B The commission shall establish by rule a process for the review, in coordination
31 with the office, of the biannual reports provided by the responsible entity and a
32 mechanism for public participation regarding the contents of the report

33 **Sec. 7. 35-A MRS §3409** is enacted to read

34 **§3409 Offshore wind power transmission**

35 The commission, in coordination with the office, shall seek to advance regional
36 transmission solutions to interconnect offshore wind power with transmission and
37 distribution utilities, other New England states or entities and the independent system
38 operator of the New England bulk power system or a successor organization

39 **1. Transmission solicitation and procurement.** The commission may conduct one or
40 more competitive solicitations for proposals for the development and construction of
41 offshore wind energy transmission projects or other electric infrastructure projects to
42 facilitate offshore wind energy development and approve contracts for such projects in
43 accordance with this section

- 1 A In developing a solicitation and approving a contract under this section, the
- 2 commission shall
- 3 (1) Consider the amount of transmission capacity needed to maintain or improve
- 4 electric system reliability,
- 5 (2) Avoid unnecessary costs to upgrade the existing transmission grid,
- 6 (3) Seek to achieve the greenhouse gas emissions reduction obligations and climate
- 7 policies of this State under Title 38, section 576-A and Title 38, section 577 and
- 8 renewable energy goals under section 3210, subsection 1-A,
- 9 (4) Pursue demonstrable benefits for electric ratepayers, and
- 10 (5) Encourage projects that avoid, minimize or mitigate impacts to wildlife, the
- 11 environment, fisheries, fishing activities or tribal burial and archeological sites,
- 12 whether submerged or on land
- 13 B The commission shall coordinate with the office and may coordinate with other
- 14 entities, including, but not limited to, transmission and distribution utilities, other New
- 15 England states and the independent system operator of the New England bulk power
- 16 system or a successor organization, in the solicitation and selection of proposals under
- 17 this section
- 18 C The commission may host conferences with prospective bidders in advance of
- 19 issuing solicitations under this section
- 20 D A responsible entity may submit a proposal in response to a solicitation conducted
- 21 under this section as long as the transmission service proposal provides for
- 22 transmission service for more than one offshore wind power project
- 23 E The commission may consider proposals that include, but are not limited to,
- 24 upgrading the existing grid, extending the grid closer to offshore wind power projects,
- 25 determining or upgrading optimal landfall approaches or interconnecting between
- 26 offshore substations
- 27 F The commission may select one proposal, multiple proposals or no proposals
- 28 G The commission may select proposals that include federal funding in the form of a
- 29 match, grant or loan or through ownership and operation by the Federal Government,
- 30 cost sharing among states or recovery of transmission costs through federal
- 31 transmission rates
- 32 H The commission may modify a solicitation under this section, prior to selecting any
- 33 proposal, in order to satisfy federal eligibility criteria
- 34 **2 Rules.** The commission may adopt rules to implement this section Rules adopted
- 35 under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter
- 36 2-A
- 37 **Sec. 8. 35-A MRSA §3410** is enacted to read
- 38 **§3410. Determination of effect on scenic character and related existing uses**
- 39 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
- 40 following terms have the following meanings

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

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

10 C "Department" means the Department of Environmental Protection

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

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

31 **3 Exception to standard; certain associated facilities.** The department, or in the
 32 case of certification under Title 38, chapter 3, subchapter 1, article 6 the Maine Land Use
 33 Planning Commission, shall evaluate the effect of associated facilities of an offshore wind
 34 terminal in terms of potential effects on scenic character and existing uses related to scenic
 35 character in accordance with Title 12, section 685-B, subsection 4, paragraph C or Title 38,
 36 section 484, subsection 3, in the manner provided for development other than offshore wind
 37 terminal development

38 **4. Limitation on number of offshore wind terminals.** The department may not
 39 approve permits under Title 12, section 685-B, subsection 4 or Title 38, section 484,
 40 subsection 3 or Title 38, section 480-D for more than 4 offshore wind terminals If a permit
 41 approved under Title 12, section 685-B, subsection 4 or Title 38, section 484, subsection 3
 42 or Title 38, section 480-D expires, is surrendered or is revoked prior to construction of an
 43 offshore wind terminal, the department may approve a permit under those sections for
 44 another offshore wind terminal

1 **Sec. 9. 35-A MRSA §3451, sub-§4**, as enacted by PL 2007, c 661, Pt A, §7, is
2 amended to read

3 **4. Expedited wind energy development.** "Expedited wind energy development"
4 means a grid-scale wind energy development or a port facility necessary to the proper
5 operation and maintenance of an offshore wind power project as defined in section 3401-A,
6 subsection 15 that is proposed for location within an expedited permitting area

7 **Sec. 10. 35-A MRSA §3453-A, sub-§3, ¶A**, as enacted by PL 2015, c 265, §8
8 and affected by §10, is amended to read

9 A Will not have an unreasonable adverse effect on the State's ability to meet the state
10 goals goal for wind energy development in proximate federal waters in section 3404,
11 subsection 2, paragraph C, and

12 **Sec. 11. 38 MRSA §480-D, sub-§1**, amended by PL 2009, c 615, Pt E, §8, is
13 further amended by enacting at the end a new blocked paragraph to read

14 In making a determination under this subsection regarding an offshore wind terminal as
15 defined in Title 35-A, section 3410, subsection 1, paragraph D, the department shall
16 consider the terminal's effects on scenic character and existing uses related to scenic
17 character in accordance with Title 35-A, section 3410

18 **Sec. 12. 38 MRSA §482, sub-§2, ¶F**, as amended by PL 2009, c 615, Pt E, §14,
19 is further amended to read

20 F Is an oil terminal facility as defined in this section, ~~or~~

21 **Sec. 13. 38 MRSA §482, sub-§2, ¶J**, as enacted by PL 2009, c 615, Pt E, §15, is
22 amended to read

23 J Is an offshore wind power project with an aggregate generating capacity of 3
24 megawatts or more, or

25 **Sec. 14. 38 MRSA §482, sub-§2, ¶K** is enacted to read

26 K Is an offshore wind terminal as defined in Title 35-A, section 3410, subsection 1,
27 paragraph D

28 **Sec. 15. 38 MRSA §484, sub-§3, ¶J** is enacted to read

29 J In making a determination under this subsection regarding an offshore wind terminal
30 as defined in Title 35-A, section 3410, subsection 1, paragraph D, the department shall
31 consider the terminal's effects on scenic character and existing uses related to scenic
32 character in accordance with Title 35-A, section 3410

33 **Sec. 16. Office of Tax Policy to develop Fishing Community Protection Tax**
34 **Incentive Program.** The Department of Administrative and Financial Services, Bureau
35 of Revenue Services, Office of Tax Policy, in consultation with the Department of Marine
36 Resources and the Governor's Energy Office, shall develop the Fishing Community
37 Protection Tax Incentive Program, referred to in this section as "the program," to provide
38 a tax credit to applicants for qualified investments in offshore wind power projects
39 consistent with the purposes described in the Maine Revised Statutes, Title 35-A, sections
40 3407 and 3408 For purposes of this section, "qualified investments" means activities that

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1 relate to the design, permitting, construction, modification or equipment of an applicant's
2 offshore wind power project

3 **1. Program requirements.** The program must

4 A Provide incentives for siting offshore wind power projects with generation facilities
5 outside of Lobster Management Area 1, as defined by the Department of Marine
6 Resources by rule,

7 B Protect ratepayers from any additional costs associated with the siting objectives in
8 paragraph A,

9 C Increase the State's competitiveness in securing offshore wind power projects and
10 its associated climate and economic benefits, and

11 D Include a tax credit not to exceed \$16,000,000 in the aggregate annually for up to
12 20 years

13 **2. Reports.** No later than December 1, 2023, the Office of Tax Policy shall publish on
14 its publicly accessible website a draft report on the development of the program and shall
15 accept public comments on the draft report for at least 30 days No later than February 1,
16 2024, the Office of Tax Policy shall submit a final report to the Joint Standing Committee
17 on Taxation and the Joint Standing Committee on Energy, Utilities and Technology that
18 includes its findings and recommendations about developing the program, including
19 suggested legislation The Joint Standing Committee on Taxation may report out a bill to
20 the Second Regular Session of the 131st Legislature relating to the report

21 **Sec. 17. Appropriations and allocations.** The following appropriations and
22 allocations are made

23 **EXECUTIVE DEPARTMENT**

24 **Maine Offshore Wind Renewable Energy and Economic Development Program**
25 **N471**

26 Initiative Provides allocation to establish the program

27	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
28	All Other	\$500	\$500
29			
30	OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

31

32 **EXECUTIVE DEPARTMENT**

33 **DEPARTMENT TOTALS**

34

35 **OTHER SPECIAL REVENUE FUNDS** **\$500** **\$500**

36

37 **DEPARTMENT TOTAL - ALL FUNDS** **\$500** **\$500**

38 **PUBLIC UTILITIES COMMISSION**

39 **Public Utilities - Administrative Division 0184**

40 Initiative Provides allocations for expenditures related to one Staff Attorney position and
41 associated All Other costs

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S P 766, L D 1895

1	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
2	POSITIONS - LEGISLATIVE COUNT	0 000	1 000
3	Personal Services	\$0	\$165,705
4	All Other	\$0	\$15,874
5			
6	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$181,579
7			
8	PUBLIC UTILITIES COMMISSION		
9	DEPARTMENT TOTALS	2023-24	2024-25
10			
11	OTHER SPECIAL REVENUE FUNDS	\$0	\$181,579
12			
13	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$181,579
14			
15	SECTION TOTALS	2023-24	2024-25
16			
17	OTHER SPECIAL REVENUE FUNDS	\$500	\$182,079
18			
19	SECTION TOTAL - ALL FUNDS	\$500	\$182,079

20

21 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
22 section number to read consecutively

23

SUMMARY

24

This amendment strikes the committee amendment and instead does the following

25

1 The amendment provides that an agreement for construction work in connection with the construction or alteration of an offshore wind terminal that is a public work to support an offshore wind power project must comply with the requirements applicable to either a project labor agreement or community and workforce enhancement standards. It provides that if an offshore wind power project involves a public-private partnership that includes the lease of an offshore wind terminal owned or operated by the State, the department, authority or other agency responsible for granting the lease must require agreements that comply with the requirements applicable to either a project labor agreement or community and workforce enhancement standards as a condition of the lease for all on-site construction and fabrication of materials for the offshore wind power project

34

35

2 This amendment makes the following changes to the Maine Wind Energy Act

36

A It enacts definitions applicable to the Act that include many of the definitions that were in the committee amendment, however, it adds definitions applicable to new labor-related requirements

37

38

39

B Like the committee amendment

40

(1) It updates the State's goal for wind energy development in proximate federal waters,

41

SENATE AMENDMENT

- 1 (2) It makes changes to the Offshore Wind Research Consortium, including
- 2 expanding the membership of the advisory board, and
- 3 (3) It makes changes to the Offshore Wind Research Consortium Fund, including
- 4 adding payments from offshore wind power projects to the sources of money that
- 5 come into the fund
- 6 C It establishes the Maine Offshore Wind Renewable Energy and Economic
- 7 Development Program to further the development and use of offshore wind power
- 8 projects in the Gulf of Maine The program is administered by the Governor's Energy
- 9 Office in collaboration with the Public Utilities Commission Unlike the committee
- 10 amendment, it includes the Department of Labor within the list of state agencies with
- 11 which the office and the commission must coordinate activities
- 12 D It establishes standards and requirements for offshore wind energy procurements
- 13 E It directs the Governor's Energy Office to establish a schedule for competitive
- 14 solicitations and prepare requests for proposals for the development and construction
- 15 of offshore wind power projects to meet the goals of the Maine Offshore Wind
- 16 Renewable Energy and Economic Development Program in accordance with the
- 17 following
- 18 (1) Each solicitation must seek proposals for not less than approximately 600
- 19 megawatts of nameplate capacity or projects of sufficient size to enable cost-
- 20 competitive commercial-scale development A solicitation developed in
- 21 coordination with other states or entities may seek proposals for projects with a
- 22 nameplate capacity of less than 600 megawatts if the coordinated solicitation is in
- 23 an aggregate amount sufficient to enable cost-competitive commercial-scale
- 24 development
- 25 (2) Unlike the committee amendment, the solicitation is not limited to floating
- 26 offshore wind power projects and instead applies to offshore wind power projects
- 27 generally, which may include floating offshore wind power projects
- 28 (3) A solicitation must specify bidder criteria, including the submission of plans
- 29 addressing stakeholder engagement, economic and community benefits, diversity,
- 30 equity and inclusion in employment and contracting for the project, fisheries
- 31 research, monitoring and mitigation, and environmental and wildlife research,
- 32 monitoring, mitigation and conservation The criteria must also require the
- 33 submission of a fishing communities investment plan, an agreement by the
- 34 responsible entity, if it is approved for a contract, to pay an amount per megawatt
- 35 of capacity to the Offshore Wind Research Consortium Fund and an agreement to
- 36 provide financial and technical assistance necessary to implement the required
- 37 plans
- 38 (a) The payment amount required per megawatt of capacity under this
- 39 amendment is equal to \$5,000 or more, instead of \$10,000 as in the committee
- 40 amendment
- 41 (b) This amendment also requires that the solicitation's bidder criteria include
- 42 specific workforce requirements

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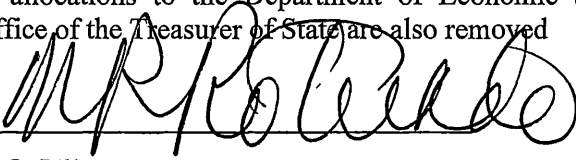
- 1 (4) A solicitation must be made available for public comment prior to issuance
2 The Governor's Energy Office is required to coordinate with various state agencies
3 and seek public input with respect to various aspects of the solicitation
- 4 (a) The Governor's Energy Office is required to coordinate with the
5 Department of Agriculture, Conservation and Forestry to ensure submerged
6 land leasing rates and fees are aligned with the goals of the Maine Offshore
7 Wind Renewable Energy and Economic Development Program
- 8 (b) The requirement in the committee amendment that an applicant for a
9 submerged lands lease or easement in connection with an offshore wind power
10 project selected for a contract be charged an annual operating fee based on the
11 electricity generated using a certain federal formula is not included in this
12 amendment
- 13 F The amendment requires the Public Utilities Commission to review the request for
14 proposals and, upon finding that the request for proposals is reasonably likely to attract
15 competitive bids, issue the request for proposals
- 16 (1) The commission must issue the first request for proposals by the later of January
17 15, 2026 and 3 months after the federal Department of the Interior, Bureau of
18 Ocean Energy Management first issues offshore wind power leases in the Gulf of
19 Maine
- 20 (2) The commission is required to select projects that are cost-effective for electric
21 ratepayers over the term of the contract, taking into consideration potential
22 quantitative and qualitative economic, environmental and other benefits to
23 ratepayers. The commission must give priority to projects that meet certain criteria,
24 including having generation facilities outside of Lobster Management Area 1 and
25 agreements that are compliant with project labor agreements as described in federal
26 law or community and workforce enhancement standards and are open to
27 disadvantaged business enterprises and small businesses as defined in the Maine
28 Wind Energy Act. This differs from the committee amendment, which directs the
29 commission to give greater priority, in selecting a bid, to projects that are eligible
30 for and intended to apply for funding from the Fishing Community Protection and
31 Low-income Ratepayer Fund established in the committee amendment, and
32 includes the execution of a labor peace agreement and a project labor agreement.
33 Under the committee amendment, the commission is required to give secondary
34 priority to projects that provide certain identified benefits. This amendment does
35 not include the establishment of a Fishing Community Protection and Low-income
36 Ratepayer Fund and includes workforce requirements and standards in the bidder
37 criteria as well as among the criteria for projects to which the commission must
38 give priority
- 39 3 The amendment establishes community and workforce enhancement standards as
40 requirements and standards that contractors, subcontractors and individuals performing
41 construction work on offshore wind power projects must meet. These include requirements
42 and standards for
- 43 A A total compensation package that has a value at or above the Maine emerging
44 industry compensation threshold as defined in the amendment,

- 1 B Safety training for construction workers,
- 2 C Under certain circumstances, the use of the services of contractors that use a hiring
- 3 hall in order to meet workforce needs and provide regular employment opportunities
- 4 first to members of the affected community and residents of the State and then to
- 5 individuals in New England,
- 6 D Registered apprenticeship programs,
- 7 E Workers' compensation and unemployment insurance,
- 8 F Hiring certain types of workers and prohibiting the hiring of independent
- 9 contractors, and
- 10 G Record keeping regarding construction workers performing construction work on
- 11 the project
- 12 4 Like the committee amendment, this amendment authorizes the commission to
- 13 conduct one or more competitive solicitations for proposals for the development and
- 14 construction of offshore wind energy transmission projects or other electric infrastructure
- 15 projects to facilitate offshore wind energy development
- 16 5 Unlike the committee amendment, this amendment includes a new section
- 17 establishing a visual impact standard to evaluate the effect of the development of an
- 18 offshore wind terminal This amendment provides that offshore wind terminals must
- 19 receive review under the site location of development laws and amends the provisions of
- 20 law governing site location of development and the Natural Resources Protection Act to
- 21 provide that when proposed offshore wind terminals receive review, impacts related to
- 22 scenic character and existing uses related to scenic character are governed by the new visual
- 23 impact standard It limits the number of permits for offshore wind terminals that the
- 24 Department of Environmental Protection may approve to 4
- 25 6 This amendment amends the definition of "expedited wind energy development" to
- 26 include a port facility necessary to the proper operation and maintenance of an offshore
- 27 wind power project
- 28 7 Instead of establishing a fishing community protection tax incentive, this
- 29 amendment requires the Office of Tax Policy in the Department of Administrative and
- 30 Financial Services, Bureau of Revenue Services, in consultation with the Department of
- 31 Marine Resources and the Governor's Energy Office, to develop the Fishing Community
- 32 Tax Incentive Program to provide tax credits to applicants for qualified investments in
- 33 offshore wind power projects The Office of Tax Policy is required to publicize and seek
- 34 public comment on the proposed program before submitting it to the Joint Standing
- 35 Committee on Taxation and the Joint Standing Committee on Energy, Utilities and
- 36 Technology by February 1, 2024 The Joint Standing Committee on Taxation is authorized
- 37 to report out a bill to the Second Regular Session of the 131st Legislature relating to the
- 38 report
- 39 8 Finally, this amendment removes the appropriations and allocations section from
- 40 the committee amendment, including all funding to the Department of Agriculture,
- 41 Conservation and Forestry, the Department of Inland Fisheries and Wildlife and the Public
- 42 Utilities Commission for positions and costs, except for one Staff Attorney position in the
- 43 Public Utilities Commission, related to the implementation and administration of the
- 44 policies established in the amendment Because the tax incentive and the Fishing

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S P 766, L D 1895

1 Community Protection and Low-income Ratepayer Fund are removed by this amendment,
2 the appropriations and allocations to the Department of Economic and Community
3 Development and the Office of the Treasurer of State are also removed

4 SPONSORED BY: 
5 (Senator ROTUNDO, M.)

6 COUNTY: Androscoggin

FISCAL NOTE REQUIRED
(See attached)

SENATE AMENDMENT



131st MAINE LEGISLATURE

LD 1895

LR 741(04)

An Act Regarding the Procurement of Energy from Offshore Wind Resources

Fiscal Note for Senate Amendment "A" to Committee Amendment "A"

Sponsor: Sen. Rotundo of Androscoggin

Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	(\$166,198)	(\$161,572)	(\$289,662)	(\$305,116)
Appropriations/Allocations				
General Fund	(\$166,198)	(\$161,572)	(\$289,662)	(\$305,116)
Other Special Revenue Funds	(\$1,085)	(\$1,085)	(\$1,085)	(\$1,085)

Fiscal Detail and Notes

This amendment strikes and replaces the bill. It removes all General Fund appropriations from the bill. As amended, the bill retains the Other Special Revenue Funds (OSRF) allocations to the Public Utilities Commission (PUC) funded from assessments on utilities for one additional Staff Attorney position related to procurement activities. The amended bill also retains provisions that allow the Governor's Energy Office to request funding from the PUC, which may result in additional OSRF expenditures for the PUC. Any additional costs to other agencies impacted by the provisions of the bill are anticipated to be minor and can be absorbed within existing budgeted resources.