

**§3410. Determination of effect on scenic character and related existing uses**

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

A. "Associated facilities" means elements of an offshore wind terminal, other than the quay, fixed and mobile cranes, offshore wind foundations and wind turbine generators, that are necessary to the proper operation and maintenance of the offshore wind terminal, including, but not limited to, buildings, access roads and laydown areas. [PL 2023, c. 481, §8 (NEW).]

B. "Best practical mitigation" means methods or technologies used during construction or operation of an offshore wind terminal that control or reduce to the lowest feasible level visual and scenic impacts. "Best practical mitigation" may include, but is not limited to, turbine and blade coloration to reduce visual impacts and aircraft detection technologies to reduce the need for aircraft hazard warning lighting. [PL 2023, c. 481, §8 (NEW).]

C. "Department" means the Department of Environmental Protection. [PL 2023, c. 481, §8 (NEW).]

D. "Offshore wind terminal" means a port facility used for fabricating offshore wind turbine foundations, launching floating foundations into the water, assembling wind turbine generators atop the foundations or preparing the assembled wind turbine for towing to a wet berth or installation site. "Offshore wind terminal" includes a quay with berths to accommodate the assembly of wind turbine generators and offshore wind component delivery vessels, an upland laydown area for foundation fabrication and storage of wind turbine generator components, fabrication facilities, fixed and mobile cranes, associated facilities and terminal offices and access roads. [PL 2023, c. 481, §8 (NEW).]

[PL 2023, c. 481, §8 (NEW).]

**2. Application of standard.** This subsection governs the department's or the Maine Land Use Planning Commission's making findings regarding the effect of an offshore wind terminal on scenic or natural character and existing uses related to scenic character pursuant to Title 12, section 685-B, subsection 4 or Title 38, section 484, subsection 3 or Title 38, section 480-D. An offshore wind terminal project must minimize the adverse effect on scenic character and existing uses related to scenic character to the maximum extent practicable and use best practical mitigation to control and reduce visual and scenic impacts. Except as otherwise provided in subsection 3, determination that an offshore wind terminal fits harmoniously into the existing natural environment in terms of potential effects on scenic or natural character and existing uses related to scenic character is not required for approval under either Title 12, section 685-B, subsection 4, paragraph C or Title 38, section 484, subsection 3. [PL 2023, c. 481, §8 (NEW).]

**3. Exception to standard; certain associated facilities.** The department, or in the case of certification under Title 38, chapter 3, subchapter 1, article 6 the Maine Land Use Planning Commission, shall evaluate the effect of associated facilities of an offshore wind terminal in terms of potential effects on scenic character and existing uses related to scenic character in accordance with Title 12, section 685-B, subsection 4 or Title 38, section 484, subsection 3, in the manner provided for development other than offshore wind terminal development. [PL 2023, c. 481, §8 (NEW).]

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

[PL 2023, c. 481, §8 (NEW).]

SECTION HISTORY

PL 2023, c. 481, §8 (NEW).

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