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Legislative Document

No. 1895

S.P. 766

In Senate, May 4, 2023

An Act Regarding the Procurement of Energy from Offshore Wind Resources

Reference to the Committee on Energy, Utilities and Technology 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 LAWRENCE of York.
Cosponsored by Representative GERE of Kennebunkport and
Senators: BRENNER of Cumberland, CURRY of Waldo, President JACKSON of Aroostook,
VITELLI of Sagadahoc, Representatives: DOUDERA of Camden, GEIGER of Rockland,
MASTRACCIO of Sanford, RUNTE of York.

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

2 **Sec. 1. 12 MRSA §1862, sub-§13, ¶B**, as amended by PL 2013, c. 405, Pt. A, §24,
3 is further amended by enacting a new subparagraph (10) to read:

4 (10) If the application for a lease or easement submitted in connection with an
5 offshore wind power project, as defined in Title 35-A, section 3401-A, subsection
6 8, is selected for a contract in accordance with Title 35-A, section 3408, subsection
7 1, the following requirements apply.

8 (a) The director shall charge an annual operating fee to any lessee, permittee
9 or grantee of an easement based on the electricity generated in connection with
10 the use of such lease, permit or easement for the use of submerged lands owned
11 by the State in connection with an offshore wind power project. The bureau
12 shall adopt routine technical rules to establish the annual operating fee using
13 the formula set out in 30 Code of Federal Regulations, Section 585.506, using
14 the factor of .01 for the operating fee rate. A fee required in accordance with
15 this division is in addition to any rent that may be required under this Title.

16 (b) The applicant must demonstrate that it has fully executed or will execute
17 a labor peace agreement, as defined in Title 35-A, section 3401-A, subsection
18 6, with a bona fide labor organization that actively represents or seeks to
19 represent employees working for and providing services in connection with the
20 offshore wind power project.

21 **Sec. 2. 12 MRSA §1863, sub-§2, ¶A** is enacted to read:

22 A. When the fund expends money for the purpose of constructing improvements in
23 connection with an offshore wind power project, as defined in Title 35-A, section
24 3401-A, subsection 8, selected for a contract in accordance with Title 35-A, section
25 3408, subsection 1, the grant of any such funds must be conditioned upon the recipient's
26 agreement to conform to the requirements applicable to assisted projects under Title
27 26, chapter 15.

28 **Sec. 3. 12 MRSA §1863-A**, as amended by PL 2011, c. 655, Pt. KK, §12 and
29 affected by §34, is further amended to read:

30 **§1863-A. Renewable Ocean Energy Trust**

31 **1. Trust established.** The Renewable Ocean Energy Trust, referred to in this section
32 as "the trust," is established as a nonlapsing, dedicated fund to be used to protect and
33 enhance the integrity of public trust-related resources in the Gulf of Maine and related
34 human uses of the State's submerged lands.

35 **2. Administration.** The Treasurer of State shall administer the trust as provided in
36 this section.

37 **3. Sources of funds.** The following funds must be transferred on receipt to the
38 Treasurer of State for deposit in the trust:

39 A. Eighty percent of the submerged lands leasing rental payments for renewable ocean
40 energy projects under section 1862, subsection 13 and offshore wind energy
41 demonstration projects and tidal energy demonstration projects for which a general

1 permit has been issued under Title 38, section 480-HH or Title 38, section 636-A,
2 respectively; ~~and~~

3 B. The State's share, pursuant to 43 United States Code, Section 1337(p)(2)(B), of
4 federal revenues from alternative energy leasing; ~~and~~

5 C. All funds collected under Title 35-A, section 3408, subsection 2, paragraph F.

6 **4. Disbursement of funds; required uses.** The Treasurer of State shall annually
7 disburse the funds in the trust for credit to the Ocean Energy Fund established within the
8 Department of Marine Resources, in consultation with the Marine Resources Advisory
9 Council established under section 6024, for use as follows:

10 A. Fifty percent to fund research, monitoring, conservation and other efforts to avoid,
11 minimize and compensate for potential adverse effects of renewable ocean energy
12 projects, as defined in section 1862, subsection 1, paragraph F-1, on noncommercial
13 fisheries, seabirds, marine mammals, shorebirds, migratory birds and other coastal and
14 marine natural resources, including but not limited to development, enhancement and
15 maintenance of map-based information resources developed to guide public and private
16 decision making on siting issues ~~and~~, field research to provide baseline or other data to
17 address siting issues presented by renewable ocean energy projects and contributions
18 to regional and national research efforts and conservation projects that strengthen the
19 resiliency of species that are most vulnerable to impacts from renewable ocean energy
20 projects. The department shall consult with the advisory board of the Offshore Wind
21 Research Consortium, established pursuant to Title 35-A, section 3406, subsection 2,
22 and the Department of Inland Fisheries and Wildlife in allocating funds it receives
23 pursuant to this paragraph; and

24 B. Fifty percent to fund resource enhancement, research on fish behavior and species
25 abundance and distribution and other issues and other efforts to avoid, minimize and
26 compensate for potential adverse effects of renewable ocean energy projects, as defined
27 in section 1862, subsection 1, paragraph F-1, on commercial fishing and related
28 activities. The department shall consult with the advisory board of the Offshore Wind
29 Research Consortium, established pursuant to Title 35-A, section 3406, subsection 2,
30 in allocating funds it receives pursuant to this paragraph.

31 **Sec. 4. 26 MRSA §1304, sub-§1-A**, as enacted by PL 2021, c. 705, §2, is amended
32 by enacting a new first blocked paragraph to read:

33 "Assisted project" includes any construction project that receives funding under Title 12,
34 section 1863, subsection 2, paragraph A.

35 **Sec. 5. 35-A MRSA §3401-A** is enacted to read:

36 **§3401-A. Definitions**

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

39 **1. Certified business.** "Certified business" means a business that has been certified by
40 the federal Small Business Administration or another appropriate entity, as determined by
41 the commission by rule, as a minority-owned, veteran-owned or women-owned business.

42 **2. Environmental justice population.** "Environmental justice population" means a
43 group of people who, because of race, color, national origin or income, are specially

1 affected by the development, implementation and enforcement of environmental laws,
2 rules and policies, as determined by the commission by rule. Rules adopted under this
3 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

4 **3. Extraterritorial wind project.** "Extraterritorial wind project" means a project to
5 develop an offshore wind power project located seaward of the State's territorial waters.

6 **4. Floating extraterritorial wind project.** "Floating extraterritorial wind project"
7 means a floating offshore wind power project that is located seaward of territorial water.

8 **5. Labor organization.** "Labor organization" has the same meaning as section 3210-H,
9 subsection 1, paragraph B.

10 **6. Labor peace agreement.** "Labor peace agreement" means an agreement between
11 an employer and a labor organization in which the employer agrees to be neutral during a
12 union organizing campaign and to not interfere with union organizing and the labor
13 organization agrees not to engage in picketing, work stoppages, boycotts or other economic
14 interference with the employer.

15 **7. Nameplate capacity.** "Nameplate capacity" has the same meaning as in section
16 3481, subsection 11.

17 **8. Offshore wind power project.** "Offshore wind power project" has the same
18 meaning as in section 3405, subsection 1, paragraph C.

19 **9. Project labor agreement.** "Project labor agreement" has the same meaning as in
20 section 3210-H, subsection 1, paragraph C.

21 **10. Responsible entity.** "Responsible entity" means the person or business entity
22 undertaking to develop an extraterritorial wind project.

23 **Sec. 6. 35-A MRSA §3404, sub-§4** is enacted to read:

24 **4. Diversity, equity and inclusion plan required.** In accordance with the
25 requirements of section 3408, subsection 4 and rules adopted in accordance with section
26 3408, subsection 6, when conducting a solicitation for an offshore wind power project
27 under section 3408, the commission shall require the submission of a diversity, equity and
28 inclusion plan.

29 **Sec. 7. 35-A MRSA §3406, sub-§1**, as enacted by PL 2021, c. 407, §3, is amended
30 to read:

31 **1. Offshore Wind Research Consortium.** The Offshore Wind Research Consortium
32 is an initiative of the Governor's Energy Office, in collaboration with the Department of
33 Marine Resources and the Department of Inland Fisheries and Wildlife, to coordinate,
34 support and arrange for the conduct of research on offshore wind power projects in the Gulf
35 of Maine. The consortium shall:

36 A. Assist the commission in the review of wildlife, fisheries and environmental
37 mitigation plans for offshore wind energy procurement bids under section 3408;

38 B. Provide recommendations for the use of the Renewable Ocean Energy Trust
39 established under Title 12, section 1863-A for wildlife, habitat and environmental
40 conservation, monitoring and research purposes; and

1 C. Develop recommendations, using the best available science, for avoiding,
2 minimizing or mitigating impacts to wildlife and the marine environment in the
3 development and construction of offshore wind power projects, including appropriate
4 preconstruction and postconstruction monitoring.

5 **Sec. 8. 35-A MRSA §3406, sub-§2**, as enacted by PL 2021, c. 407, §3, is amended
6 to read:

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

12 A. Two individuals from organizations that represent commercial lobster harvesting
13 interests in the State;

14 B. At least one individual from an organization that represents the interest of
15 commercial fisheries other than lobster harvesting;

16 C. The Commissioner of Marine Resources, or the commissioner's designee;

17 C-1. The Commissioner of Inland Fisheries and Wildlife, or the commissioner's
18 designee;

19 D. Two individuals, not represented by an organization, that represent the interests of
20 the commercial lobster harvesting industry and commercial fisheries in the State; ~~and~~

21 E. One individual from the recreational charter fishing industry;

22 F. At least one individual with expertise related to marine mammals;

23 G. At least one individual with experience related to benthic habitats;

24 H. At least one individual with experience related to avian species; and

25 I. At least one individual with expertise related to noncommercial fisheries.

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

30 **Sec. 9. 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 within
35 the commission to further the development and use of offshore wind energy resources in
36 the Gulf of Maine. 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 reduction obligations and climate policies of the State under Title 38, section 576-A and
39 section 577, subsection 1, the renewable energy goals established in section 3210,
40 subsection 1-A and all applicable workforce development efforts of the State. Under the
41 program, the commission shall:

- 1 A. Encourage the timely, responsible and collaborative development of renewable
2 extraterritorial wind power projects in the Gulf of Maine to stabilize energy prices,
3 reduce the State's reliance on imported fossil fuels and realize direct and near-term
4 economic benefits for the people of the State;
- 5 B. Ensure that the State's offshore wind power projects generate revenue for the State
6 and provide career opportunities with family-sustaining and community-enhancing
7 wages and benefits across multiple industries and populations;
- 8 C. Establish standards for local hiring, workforce development and safety, including
9 but not limited to:
- 10 (1) Recruiting traditionally underrepresented populations; and
11 (2) Developing registered apprenticeship programs and preapprenticeship training
12 programs under Title 26, chapter 37 using clearly defined and industry-approved
13 training structures;
- 14 D. Promote diversity, equity and inclusion with particular consideration given to
15 federally recognized Indian tribes and the State's environmental justice population;
- 16 E. Support responsibly sited and operated offshore wind power projects that avoid,
17 minimize and compensate for impacts to wildlife, habitat and fisheries in the Gulf of
18 Maine;
- 19 F. Monitor impacts to the marine environment and advance research to better
20 understand how offshore wind power projects can coexist with minimal impact to
21 existing ocean users, wildlife, fisheries and the marine environment;
- 22 G. Develop the transmission infrastructure necessary for the State to expeditiously
23 meet its renewable energy and climate goals using offshore wind power projects
24 located in the Gulf of Maine;
- 25 H. Collaborate with other states' entities when appropriate on regional issues including,
26 but not limited to, transmission and distribution infrastructure and energy procurement
27 as well as research and monitoring relating to wildlife, fisheries and the Gulf of Maine
28 ecosystem; and
- 29 I. Advance the renewable energy and climate policies and economic development goals
30 of the State and help to reduce energy price volatility through the development of
31 offshore wind power projects in the Gulf of Maine.

32 **Sec. 10. 35-A MRS §3408** is enacted to read:

33 **§3408. Offshore wind energy procurement**

34 The commission shall direct investor-owned transmission and distribution utilities to
35 enter into one or more long-term contracts for floating extraterritorial wind projects under
36 this section.

37 **1. Competitive procurement for offshore wind energy.** The commission shall
38 conduct a series of phased competitive solicitations in accordance with this subsection in
39 order to select floating extraterritorial wind projects for contracts under this section.

40 A. The commission shall establish a phased procurement schedule and shall initiate a
41 first competitive solicitation under this subsection no later than June 1, 2025.

1 B. The phased procurement schedule for solicitation of floating extraterritorial wind
2 projects must ensure that any subsequent solicitation occurs within 24 months of a
3 previous solicitation.

4 C. Any solicitation under this subsection must seek proposals for floating
5 extraterritorial wind projects with not less than 600 megawatts of aggregate nameplate
6 capacity.

7 D. The commission shall ensure that solicitations under this subsection result in the
8 approval of contracts for energy in the following amounts:

9 (1) By February 1, 2030, 1,000 megawatts of aggregate nameplate capacity; and

10 (2) By February 1, 2035, 2,800 megawatts of aggregate nameplate capacity.

11 E. The commission may approve contracts for amounts greater than those specified in
12 paragraph D if the commission determines that the contracts are in the public interest.

13 F. If at the close of a competitive bidding process conducted under this subsection the
14 commission determines that approval of proposals received is not in the public interest,
15 the commission may reject all proposals received and may open a new competitive
16 bidding process.

17 G. Solicitations conducted by the commission under this subsection may be
18 coordinated and issued jointly with other New England states or entities designated by
19 those states.

20 H. The commission shall make solicitations for proposals under this subsection
21 available for public comment.

22 I. In conducting a solicitation and selecting floating extraterritorial wind projects for
23 contracts under this section, the commission shall weigh the benefits to ratepayers and
24 the benefits to the State's economy and natural resources as follows:

25 (1) A weight of 70% must be given to the benefits to ratepayers;

26 (2) A weight of 15% must be given to economic development and community
27 benefits. These benefits must include, but are not limited to:

28 (a) Employment and contracting opportunities for residents of the State who
29 are members of federally recognized Indian tribes or environmental justice
30 populations or for certified businesses located in the State;

31 (b) Benefits to low-income ratepayers, as determined by the commission; and

32 (c) Negotiated workforce agreements including project labor agreements and
33 labor peace agreements with labor organizations for manufacturing,
34 construction, renovation, reconstruction, alteration, installation, demolition,
35 expansion, maintenance and repair.

36 To assist in the evaluation of economic development and community benefits
37 under this subparagraph, the commission shall develop a preconstruction
38 stakeholder engagement process to solicit comments from and consult with
39 federally recognized Indian tribes and environmental justice populations; and

40 (3) A weight of 15% must be given to natural resources benefits. These benefits
41 must include, but are not limited to:

- 1 (a) Financial and technical assistance provided to support monitoring of
2 environmental impacts of floating extraterritorial wind projects including but
3 not limited to impacts on wildlife, fisheries and habitats;
- 4 (b) Contributions to regional and national research efforts to study
5 environmental impacts of floating extraterritorial wind projects; and
- 6 (c) Processes developed by the floating extraterritorial wind project to
7 minimize environmental impacts from the floating extraterritorial wind project
8 and related transmission and interconnection infrastructure.

9 **2. Bid requirements.** The commission shall require that any floating extraterritorial
10 wind project proposal include the following elements:

- 11 A. Mitigation plans for impacts on wildlife, fisheries and the marine environment as
12 described in subsection 3;
- 13 B. A diversity, equity and inclusion plan, as described in subsection 4, which includes
14 provisions for workforce diversity, supplier diversity and investor diversity;
- 15 C. A project labor agreement that conforms to the requirements of section 3210-H,
16 subsection 2, including a description of how the project will supply construction
17 workers in all crafts needed for the project, including both on-site work and off-site
18 work;
- 19 D. A preconstruction stakeholder engagement plan including provisions for
20 consultation with stakeholders, including, but not limited to, environmental justice
21 populations and commercial and recreational fishing industries;
- 22 E. A plan for consultation with federally recognized Indian tribes who may be impacted
23 by the floating extraterritorial wind project;
- 24 F. Payment by the responsible entity equal to \$10,000 per megawatt of the floating
25 extraterritorial wind project's nameplate capacity to the Renewable Ocean Energy Trust
26 established within the Department of Marine Resources in accordance with Title 12,
27 section 1863-A, subsection 1; and
- 28 G. Payment by the responsible entity equal to a minimum of \$10,000 per megawatt of
29 the floating extraterritorial wind project's nameplate capacity to the Justice Fund
30 established in subsection 5.

31 **3. Wildlife, fisheries and environmental mitigation plan requirements.** The
32 wildlife, fisheries and marine environment mitigation plans required pursuant to subsection
33 2, paragraph A must include, but are not limited to:

- 34 A. A detailed description of the management practices and any on-site or off-site
35 mitigation the responsible entity will employ, informed by the latest science at the time
36 the plan is made, to avoid, minimize and mitigate impacts to wildlife and habitats,
37 including, but not limited to:
 - 38 (1) Threatened or endangered species, such as North Atlantic right whales;
 - 39 (2) Coastal and marine habitats;
 - 40 (3) Natural resources;
 - 41 (4) Ecosystems; and

1 (5) Traditional or existing water-dependent uses, including, but not limited to,
2 commercial and recreational fishing; and

3 B. Provisions for preconstruction and postconstruction monitoring to understand the
4 effects of the floating extraterritorial wind project and related activities on marine and
5 avian species and fisheries.

6 The commission shall consult with the Offshore Wind Research Consortium under section
7 3406, subsection 1 in evaluating a plan submitted in accordance with subsection 2,
8 paragraph A.

9 **4. Diversity, equity and inclusion plan requirements.** The diversity, equity and
10 inclusion plan required pursuant to subsection 2, paragraph B must describe the proposed
11 floating extraterritorial wind project's proposed strategy to promote access to employment
12 and contracting opportunities for, and to recruit, diverse vendors, contractors, workers and
13 investors. The plan must describe the specific and measurable employment and contracting
14 benefits created by the responsible entity, including by the floating extraterritorial wind
15 project's subcontractors, and explain how the wind project will provide employment and
16 contracting opportunities for people of color, people with disabilities, lesbian, gay, bisexual
17 and transgender people, women, veterans, Maine residents, members of federally
18 recognized Indian tribes and existing workers in industries directly affected by the
19 development of offshore wind power projects including, but not limited to, the fossil fuel
20 and commercial fishing industries.

21 A. In evaluating a diversity, equity and inclusion plan, the commission shall consider,
22 in addition to other criteria established by the commission:

23 (1) Whether the proposed floating extraterritorial wind project is likely to meet
24 specific goals established by the commission for the utilization of certified
25 businesses as contractors in the design and construction of the floating
26 extraterritorial wind project and vendors in the provision of goods and services
27 procured by the floating extraterritorial wind project;

28 (2) The extent to which the plan provides for the hiring of members of
29 environmental justice populations and federally recognized Indian tribes as
30 employees in the design, construction, operation and maintenance of the floating
31 extraterritorial wind project;

32 (3) The extent to which the plan provides for hiring of workers in industries directly
33 affected by the development of offshore wind power projects, including, but not
34 limited to, the fossil fuel and commercial fishing industries, as employees in the
35 design, construction, operation and maintenance of the floating extraterritorial
36 wind project;

37 (4) The participation of project contractors and subcontractors in a
38 preapprenticeship training program and registered apprenticeship program under
39 Title 26, chapter 37; and

40 (5) The extent to which the responsible entity has made good faith efforts to solicit
41 and interview a reasonable number of minority investors.

42 **5. Justice Fund.** The Justice Fund, referred to in this subsection as "the fund," is
43 established as a dedicated nonlapsing fund within the commission to provide grants and
44 other financial assistance to support environmental justice populations, low-income

1 transmission and distribution utility ratepayers and federally recognized Indian tribes in the
2 State. The commission, in consultation with the Public Advocate, the Department of
3 Environmental Protection and the Permanent Commission on the Status of Racial,
4 Indigenous and Tribal Populations, established in Title 5, section 12004-J, subsection 19,
5 shall adopt rules governing the use and application of the fund. The fund receives all money
6 paid under subsection 2, paragraph G.

7 **6. Rulemaking.** The commission shall adopt rules to implement this section. Rules
8 adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375,
9 subchapter 2-A. The rules must include procedures for monitoring, measuring and
10 enforcing ongoing compliance by responsible entities with the requirements of this section.

11 A. The rules must require the responsible entity to provide quarterly reports to the
12 commission and the Office of Policy Innovation and the Future, established in Title 5,
13 section 3102, regarding its compliance with the diversity, equity and inclusion plan
14 required under subsection 2, paragraph B and governed by subsection 4. Each report
15 must include, but is not limited to:

16 (1) The total number of contracts entered into by the responsible entity in
17 connection with the floating extraterritorial wind project;

18 (2) The total dollar amounts contracted with certified businesses for design and
19 construction of the proposed floating extraterritorial wind project;

20 (3) The total dollar amounts paid to certified businesses for design and construction
21 of the proposed floating extraterritorial wind project in connection with contracts
22 described in subparagraph (2);

23 (4) The total number and value of all subcontracts awarded to certified businesses;

24 (5) A comparison of the project status with the goals established by the responsible
25 entity in accordance with subsection 4, paragraph A, subparagraph (1); and

26 (6) Detailed information regarding any failure to meet the goals set by the
27 responsible entity including efforts that have been undertaken to achieve the goals
28 and a plan to bring the project into compliance with the goals.

29 B. In consultation with the Office of Policy Innovation and the Future, established in
30 Title 5, section 3102, the commission shall establish by rule a process for the review
31 and disclosure of the quarterly reports provided by the responsible entity, including a
32 mechanism for public participation and the posting of the reports on the Office of
33 Policy Innovation and the Future's publicly accessible website.

34 **Sec. 11. 35-A MRSA §3409** is enacted to read:

35 **§3409. Offshore wind transmission procurement**

36 **1. Transmission solicitation and procurement.** The commission may enter into
37 contracts for transmission service to serve offshore wind power projects procured under
38 this chapter. The commission shall conduct a competitive solicitation procurement process
39 in accordance with this subsection in order to select responsible entities to provide
40 transmission service for offshore wind power projects.

41 A. In reviewing proposals for transmission service under this section, the commission
42 shall:

- 1 A. Encourage the development of extraterritorial wind power projects in the Gulf of
2 Maine that are responsibly sited and advance the renewable energy and climate policies
3 and economic development goals of the State;
- 4 B. Establish standards for local hiring, workforce development and safety and promote
5 diversity, equity and inclusion;
- 6 C. Monitor impacts of offshore wind power projects on the marine environment; and
- 7 D. Develop the transmission infrastructure necessary for the State to expeditiously
8 meet its renewable energy and climate goals using offshore wind power projects
9 located in the Gulf of Maine.
- 10 2. It directs the commission to conduct a series of competitive solicitations in order to
11 select floating extraterritorial wind projects for contracts with transmission and distribution
12 utilities.
- 13 A. The first competitive solicitation must occur no later than June 1, 2025.
- 14 B. Each subsequent solicitation must occur within 24 months of a previous solicitation.
- 15 C. Each solicitation must seek proposals for not less than 600 megawatts of aggregate
16 nameplate capacity of floating extraterritorial wind projects.
- 17 D. The procurement must result in contracts for projects totaling at least:
- 18 (1) One thousand megawatts of aggregate nameplate capacity, no later than
19 February 1, 2030; and
- 20 (2) Two thousand, eight-hundred megawatts of aggregate nameplate capacity, no
21 later than February 1, 2035.
- 22 E. In conducting a solicitation and selecting floating extraterritorial wind projects for
23 contracts, the commission is required to attach specific weight to benefits to ratepayers,
24 benefits to the State's economy and benefits for natural resources.
- 25 F. Proposals must include mitigation plans for impacts on wildlife, fisheries and the
26 marine environment; a diversity, equity and inclusion plan; a project labor agreement;
27 a preconstruction stakeholder engagement plan; a plan for consultation with federally
28 recognized Indian tribes who may be affected; payment of an amount per megawatt of
29 capacity to the Renewable Ocean Energy Trust established within the Department of
30 Marine Resources; and payment of an amount per megawatt of capacity to the newly
31 created Justice Fund.
- 32 3. It provides that an application for a submerged lands lease or easement in connection
33 with an offshore wind power project selected for a contract must be charged an annual
34 operating fee based on the electricity generated using a certain federal formula. It also
35 requires the applicant to demonstrate that it has fully executed or will execute a labor peace
36 agreement with a bona fide labor organization that actively represents or seeks to represent
37 employees working for and providing services in connection with the offshore wind power
38 project.
- 39 4. It provides that when the Shore and Harbor Management Fund expends money for
40 the purpose of constructing improvements in connection with an offshore wind power
41 project selected for a contract, the grant of any such funds must be conditioned upon the
42 recipient's agreement to conform to the requirements applicable to assisted projects under

1 Title 26, chapter 15. It also amends Title 26, chapter 15 to clarify that such projects are
2 considered assisted projects for purposes of that chapter.

3 5. It authorizes the commission to enter into contracts for transmission service to serve
4 offshore wind power projects; the commission must conduct a competitive solicitation
5 procurement process in order to select entities to provide the transmission service.