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LABOR AND HOUSING

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 733, L.D. 1818, “An Act Regarding Port Facilities Relating to Offshore Wind Power Projects”

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Port Facilities Relating to Offshore Wind Power Projects and to Modify the Visual Impact Standards for Offshore Wind Energy Development'

Amend the bill in section 1 in sub-c. 3 in §4441 in subsection 1 in paragraph B in the 3rd line (page 1, line 14 in L.D.) by inserting after the following: "employees" the following: 'at the work site'

Amend the bill in section 1 in sub-c. 3 in §4441 in subsection 1 in paragraph B in the 4th line (page 1, line 15 in L.D.) by striking out the following: "with the" and inserting the following: 'with that labor organization's'

Amend the bill in section 1 in sub-c. 3 in §4441 in subsection 3 in paragraph C in the last line (page 2, line 9 in L.D.) by inserting after the following: "a" the following: 'workforce diversity, equity and just transition plan and workforce'

Amend the bill in section 1 in sub-c. 3 in §4441 in subsection 4 in the first line (page 2, line 15 in L.D.) by striking out the following: "Development" and inserting the following: 'Workforce diversity, equity and just transition plan requirements; workforce development'

Amend the bill in section 1 in sub-c. 3 in §4441 in subsection 4 in paragraph A in subparagraph (1) in the 4th line (page 2, line 21 in L.D.) by inserting after the following: "recognized" the following: 'or state-acknowledged'

Amend the bill in section 1 in sub-c. 3 in §4441 in subsection 4 in paragraph B in the last line (page 2, line 32 in L.D.) by striking out the following: "the supply chain" and inserting the following: 'supply chain investments'

Amend the bill in section 1 in sub-c. 3 in §4441 in subsection 4 in paragraph C in the first line (page 2, line 33 in L.D.) by inserting after the following: "engage" the following: 'highly'

COMMITTEE AMENDMENT

1 Amend the bill in section 1 in sub-c. 3 in §4441 in subsection 4 in paragraph C in
2 subparagraph (1) in the last 2 lines (page 2, lines 36 and 37 in L.D.) by striking out the
3 following: "the Maine Apprenticeship Program" and inserting the following:
4 'apprenticeship and preapprenticeship programs'

5 Amend the bill in section 1 in sub-c. 3 in §4441 in subsection 4 in paragraph C in
6 subparagraph (2) in the first line (page 2, line 38 in L.D.) by inserting after the following:
7 "a" the following: 'more'

8 Amend the bill in section 1 in sub-c. 3 in §4441 in subsection 4 in paragraph C by
9 striking out all of subparagraph (3) (page 2, lines 40 to 43 in L.D.) and inserting the
10 following:

11 '(3) A description of how the responsible entity intends to deliver savings to
12 ratepayers and overall project costs by providing labor harmony, access to a steady
13 supply of skilled labor and infrastructure for workforce development resources and
14 ensuring high standards for worker safety while maintaining workplace
15 efficiencies and scheduling efficiencies; and'

16 Amend the bill by inserting after section 1 the following:

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

18 **§3407. Determination of effect on scenic character and related existing uses**

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

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

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

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

31 D. "Offshore wind terminal" means a port facility used for fabricating floating offshore
32 wind turbine foundations, launching floating foundations into the water, assembling
33 wind turbine generators atop the foundations or preparing the assembled wind turbine
34 for towing to a wet berth or installation site. "Offshore wind terminal" includes a quay
35 with berths to accommodate the assembly of wind turbine generators and offshore wind
36 component delivery vessels, an upland laydown area for foundation fabrication and
37 storage of wind turbine generator components, fabrication facilities, fixed and mobile
38 cranes, associated facilities and terminal offices and access roads.

39 **2. Application of standard.** This subsection governs the department's or the Maine
40 Land Use Planning Commission's making findings regarding the effect of an offshore wind
41 terminal on scenic or natural character and existing uses related to scenic character pursuant
42 to Title 12, section 685-B, subsection 4, paragraph C; Title 38, section 480-D; or Title 38,
43 section 484, subsection 3. An offshore wind terminal project must minimize the adverse

1 effect on scenic character and existing uses related to scenic character to the maximum
2 extent practicable and use best practical mitigation to control and reduce visual and scenic
3 impacts. Except as otherwise provided in subsection 3, determination that an offshore wind
4 terminal fits harmoniously into the existing natural environment in terms of potential
5 effects on scenic or natural character and existing uses related to scenic character is not
6 required for approval under Title 12, section 685-B, subsection 4; Title 38, section 480-D;
7 or Title 38, section 484.

8 **3. Exception to standard; certain associated facilities.** The department, or in the
9 case of certification under Title 38, chapter 3, subchapter 1, article 6 the Maine Land Use
10 Planning Commission, shall evaluate the effect of associated facilities of an offshore wind
11 terminal in terms of potential effects on scenic character and existing uses related to scenic
12 character in accordance with Title 12, section 685-B, subsection 4, paragraph C; Title 38,
13 section 480-D; or Title 38, section 484, subsection 3, in the manner provided for
14 development other than offshore wind terminal development.

15 **4. Limitation on number of offshore wind terminals.** The department may not
16 approve permits under Title 38, section 480-D or Title 38, section 484 for more than 4
17 offshore wind terminals. If a permit approved under Title 38, section 480-D or Title 38,
18 section 484 expires, is surrendered or is revoked prior to construction of an offshore wind
19 terminal, the department may approve a permit under those sections for another offshore
20 wind terminal.'

21 Amend the bill by striking out all of section 4 and inserting the following:

22 '**Sec. 4. 38 MRSA §480-D, sub-§1,** as amended by PL 2009, c. 615, Pt. E, §8, is
23 further amended by enacting at the end a new last blocked paragraph to read:

24 In making a determination under this subsection regarding an offshore wind terminal as
25 defined in Title 35-A, section 3407, subsection 1, paragraph D, the department shall
26 consider the terminal's effects on scenic character and existing uses related to scenic
27 character in accordance with Title 35-A, section 3407.

28 **Sec. 5. 38 MRSA §482, sub-§2, ¶F,** as amended by PL 2009, c. 615, Pt. E, §14, is
29 further amended to read:

30 F. Is an oil terminal facility as defined in this section; ~~or~~

31 **Sec. 6. 38 MRSA §482, sub-§2, ¶J,** as enacted by PL 2009, c. 615, Pt. E, §15, is
32 amended to read:

33 J. Is an offshore wind power project with an aggregate generating capacity of 3
34 megawatts or more; or

35 **Sec. 7. 38 MRSA §482, sub-§2, ¶K** is enacted to read:

36 K. Is an offshore wind terminal as defined in Title 35-A, section 3407, subsection 1,
37 paragraph D.

38 **Sec. 8. 38 MRSA §484, sub-§3, ¶J** is enacted to read:

39 J. In making a determination under this subsection regarding an offshore wind terminal
40 as defined in Title 35-A, section 3407, subsection 1, paragraph D, the department shall
41 consider the terminal's effects on scenic character and existing uses related to scenic
42 character in accordance with Title 35-A, section 3407.

