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An Act To Establish a Code of Ethics for Individuals Involved in Grid-scale Wind Energy Development

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

Sec. 1. 30-A MRSA §2608 is enacted to read:

§ 2608. Grid-scale wind energy development code of ethics

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

- A. "Governing body" means a governing unit of a municipality, county or state.
- B. "Government official" means an elected or appointed member of a municipal or county government or of the State Government or its agencies involved in reviewing, permitting or another governmental activity affecting a grid-scale wind energy development.
- C. "Grid-scale wind energy development" has the same meaning as in Title 35-A, section 3451, subsection 6.
- D. "Wind energy developer" means a person, firm or corporation proposing or financing a grid-scale wind energy development or that person's, firm's or corporation's representative or agent.
- E. "Wind energy development code of ethics" means the code of ethics established pursuant to this section governing the conduct of a municipal, county or state official and a wind energy developer.

2. Code of ethics. The Attorney General shall by rule establish a wind energy development code of ethics. The wind energy development code of ethics must include, but is not limited to, provisions that:

- A. Govern the conduct of a government official and the government official's relatives with respect to a wind energy developer, including provisions defining and prohibiting conflicts of interest, including the acceptance of compensation or gifts, employment by the wind energy developer during the government official's term of office and for a specified amount of time after the completion of the government official's term of office and the disclosure of confidential information acquired by a government official in the course of the government official's duties; and
- B. Govern the conduct of a wind energy developer with respect to a government official and a government official's relatives, including provisions:

(1) Defining and prohibiting compensation, gifts and payment of legal fees to a government official, the government official's relatives or any 3rd party on behalf of the government official;

(2) Prohibiting the employment of any government official, or the government official's relatives, during the government official's term of office and for a specified amount of time after the completion of the government official's term of office; and

(3) Prohibiting the wind energy developer from knowingly soliciting, using or receiving confidential information acquired by a government official in the course of the government official's duties.

3. Monitoring compliance. The Attorney General shall adopt rules to monitor the compliance of wind energy developers and government officials with the wind energy development code of ethics.

4. Violation. The following provisions govern violation of the wind energy development code of ethics.

A. The vote of a governing body with respect to a grid-scale wind energy development is voidable when a government official votes on any matter related to the grid-scale wind energy development in which that government official has a conflict of interest, as defined in the wind energy development code of ethics.

B. A government official who violates the wind energy development code of ethics commits a civil violation for which a fine of not more than \$1,000 may be adjudged for each offense. A wind energy developer who violates the wind energy development code of ethics commits a civil violation for which a fine of not more than \$10,000 may be adjudged for each offense.

5. Rules. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Considerations. In developing the wind energy development code of ethics pursuant to the Maine Revised Statutes, Title 30-A, section 2608, the Attorney General shall review and consider the Code of Conduct for Wind Farm Development issued by the New York State Office of the Attorney General.

SUMMARY

This bill directs the Attorney General to develop through rulemaking a wind energy development code of ethics to prohibit inappropriate communications and interactions between municipal, county or state officials and wind energy developers involved in a grid-scale wind energy development. The rules must prohibit conflicts of interest and include methods to monitor compliance. The rules are major substantive rules. The bill includes monetary penalties for violations of the wind energy development code of ethics.