



# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1458

S.P. 599

In Senate, April 3, 2025

**An Act Regarding Compensation Fees and Related Conservation  
Efforts for Solar and Wind Energy Development and High-impact  
Electric Transmission Lines Under the Site Location of  
Development Laws**

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Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in dark ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.

Cosponsored by Senators: BLACK of Franklin, CURRY of Waldo, HARRINGTON of York,  
TIMBERLAKE of Androscoggin, Representative: WADSWORTH of Hiram.

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

2               **Sec. 1. 38 MRSA §482, sub-§1-B** is enacted to read:

3               **1-B. Average value of undeveloped land.** "Average value of undeveloped land" has  
4               the same meaning as in Title 36, section 578, subsection 1, paragraph C, subparagraph (3).

5               **Sec. 2. 38 MRSA §482, sub-§9** is enacted to read:

6               **9. Undeveloped land.** "Undeveloped land" has the same meaning as in Title 36,  
7               section 578, subsection 1, paragraph C, subparagraph (2).

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

9               K. In making a determination under this subsection regarding the impact to existing  
10              natural resources, the department may consider only the impact on the following  
11              wildlife habitats, as defined in rules adopted by the department:

12              (1) High-value and moderate-value deer wintering habitat;

13              (2) The habitat of any species declared by the Commissioner of Inland Fisheries  
14              and Wildlife or the director of the United States Fish and Wildlife Service to be  
15              threatened or endangered;

16              (3) Seabird nesting islands;

17              (4) Significant vernal pools;

18              (5) High and moderate value inland waterfowl and wading bird habitat; and

19              (6) Shorebird nesting, feeding and staging areas.

20              The department may not include large undeveloped habitat blocks, as defined in rule,  
21              as a wildlife habitat.

22               **Sec. 4. 38 MRSA §484-D, sub-§2,** as enacted by PL 2023, c. 448, §2, is repealed  
23               and the following enacted in its place:

24               **2. Calculating compensation fee.** The department shall establish a compensation fee  
25               amount equal to the average value of undeveloped land occupied by a renewable energy  
26               development. A portion of the fee may be used to cover the cost of administering the receipt  
27               and deposit of compensation fees pursuant to subsection 3.

28               The fee may not include compensation for an area:

29               A. As defined by section 480-Z, subsection 7;

30               B. Located in a designated growth area in a municipal comprehensive plan in  
31               accordance with Title 30-A, section 4349-A, subsection 1, paragraph A; or

32               C. On a brownfield or a property contaminated by PFAS, as defined in Title 32, section  
33               1732, subsection 5-A.

34               **Sec. 5. 38 MRSA §484-D, sub-§3,** as enacted by PL 2023, c. 448, §2, is repealed  
35               and the following enacted in its place:

36               **3. Disposition of compensation fees.** The department shall deposit compensation  
37               fees received under this section in the Land for Maine's Future Trust Fund established in  
38               Title 5, section 6203-D.

**Sec. 6. 38 MRSA §484-D, sub-§6**, as enacted by PL 2023, c. 448, §2, is amended to read:

**6. Rules.** The department shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are ~~major-substantive~~ routine technical rules under Title 5, chapter 375, subchapter 2-A.

## SUMMARY

Under current law, the Department of Environmental Protection is required to establish and maintain a compensation fee program to offset the adverse effects of a renewable energy development project and to determine the compensation fee amounts based on criteria established by the department.

This bill removes the requirement that the department establish the criteria for compensation and instead requires a compensation fee equal to the average value of the undeveloped land occupied by the renewable energy development project, with certain exceptions. The bill also specifies which wildlife habitats the department may consider for purposes of determining an adverse effect. Finally, the bill changes rules adopted by the department to routine technical rules.