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ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 599, L.D. 1458, “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”

Amend the bill by striking out all of sections 2 and 3 and inserting the following:

'Sec. 2. 38 MRSA §484-D, sub-§1, as enacted by PL 2023, c. 448, §2, is amended to read:

1. Compensation fee program. The department shall establish a compensation fee program to fund ~~a compensation project as an alternative means of satisfying requirements related to off-site habitat improvement or preservation that the department determines necessary to mitigate the adverse effects of a renewable energy development on wildlife and fisheries habitats, as defined by the department, to comply with section 484, subsection 3~~ conservation projects to compensate for the conversion of undeveloped areas of land for renewable energy development. Compensation fees pursuant to this section must be designed to satisfy all requirements related to off-site habitat improvements or habitat preservation for a renewable energy development, except for any compensation requirements relating to habitat for rare, threatened or endangered species; high and moderate value deer wintering areas; significant vernal pool habitat; high and moderate value waterfowl and wading bird habitat; or any other habitat defined as significant wildlife habitat under section 480-B, subsection 10. For purposes of this section, "renewable energy development" means a development subject to the requirements of this article that is:

A. A solar energy development and associated facilities;

B. A wind energy development as defined in Title 35-A, section 3451, subsection 11 and associated facilities; or

C. A high-impact electric transmission line as defined in Title 35-A, section 3131, subsection 4-A.

~~A compensation~~ conservation project funded in whole or in part from compensation fees under this section must be approved by the department.'

Amend the bill by inserting after section 5 the following:

'Sec. 6. 38 MRSA §484-D, sub-§4, as enacted by PL 2023, c. 448, §2, is amended to read:

4. Location and type of projects. A ~~compensation~~ conservation project funded by a compensation fee under this section must be located in the same biophysical region as the renewable energy development unless otherwise approved by the department and must consist of habitat comparable to the habitat affected by the renewable energy development. The department shall base approval of a ~~compensation~~ conservation project on the management priorities for the biophysical region in which the project is located. For purposes of this subsection, "biophysical region" has the same meaning as in section 480-Z.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the minority report of the committee, amends the bill by removing the provision defining "undeveloped land" and the provision specifying which wildlife habitats the Department of Environmental Protection may consider for purposes of determining an adverse effect of a renewable energy development.

It also amends current law regarding the compensation fee program to offset the adverse effects of a renewable energy development to provide that the program must fund conservation projects to compensate for the conversion of undeveloped areas of land for renewable energy development and that compensation fees under that program must be designed to satisfy all requirements related to off-site habitat improvements or habitat preservation for a renewable energy development, except for any compensation requirements relating to habitat for rare, threatened or endangered species; high and moderate value deer wintering areas; significant vernal pool habitat; high and moderate value waterfowl and wading bird habitat; or any other habitat defined as significant wildlife habitat.

FISCAL NOTE REQUIRED

(See attached)