1	L.D. 1818
2	Date: (Filing No. S-
3	LABOR AND HOUSING
4	Reproduced and distributed under the direction of the Secretary of the Senate.
5	STATE OF MAINE
6	SENATE
7	131ST LEGISLATURE
8	FIRST SPECIAL SESSION
9 10	COMMITTEE AMENDMENT " "to S.P. 733, L.D. 1818, "An Act Regarding Port Facilities Relating to Offshore Wind Power Projects"
11	Amend the bill by striking out the title and substituting the following:
12 13	'An Act Regarding Port Facilities Relating to Offshore Wind Power Projects and to Modify the Visual Impact Standards for Offshore Wind Energy Development'
14 15 16	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'
17 18 19	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'
20 21 22	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'
23 24 25 26	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'
27 28 29	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'
30 31 32	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'
33 34 35	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'

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

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

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

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

Amend the bill by inserting after section 1 the following:

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

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

- 1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
 - A. "Associated facilities" means elements of an offshore wind terminal other than the quay, fixed and mobile cranes, offshore wind foundations and wind turbine generators, that are necessary to the proper operation and maintenance of the offshore wind terminal, including but not limited to buildings, access roads and laydown areas.
 - B. "Best practical mitigation" means methods or technologies used during construction or operation of an offshore wind terminal that control or reduce to the lowest feasible level visual and scenic impacts. "Best practical mitigation" may include, but is not limited to, turbine and blade coloration to reduce visual impacts and aircraft detection technologies to reduce the need for aircraft hazard warning lighting.
 - C. "Department" means the Department of Environmental Protection.
 - D. "Offshore wind terminal" means a port facility used for fabricating floating offshore wind turbine foundations, launching floating foundations into the water, assembling wind turbine generators atop the foundations or preparing the assembled wind turbine for towing to a wet berth or installation site. "Offshore wind terminal" includes a quay with berths to accommodate the assembly of wind turbine generators and offshore wind component delivery vessels, an upland laydown area for foundation fabrication and storage of wind turbine generator components, fabrication facilities, fixed and mobile cranes, associated facilities and terminal offices and access roads.
- 2. Application of standard. This subsection governs the department's or the Maine Land Use Planning Commission's making findings regarding the effect of an offshore wind terminal on scenic or natural character and existing uses related to scenic character pursuant to Title 12, section 685-B, subsection 4, paragraph C; Title 38, section 480-D; or Title 38, section 484, subsection 3. An offshore wind terminal project must minimize the adverse

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- effect on scenic character and existing uses related to scenic character to the maximum extent practicable and use best practical mitigation to control and reduce visual and scenic impacts. Except as otherwise provided in subsection 3, determination that an offshore wind terminal fits harmoniously into the existing natural environment in terms of potential effects on scenic or natural character and existing uses related to scenic character is not required for approval under Title 12, section 685-B, subsection 4; Title 38, section 480-D; or Title 38, section 484.
 - 3. Exception to standard; certain associated facilities. The department, or in the case of certification under Title 38, chapter 3, subchapter 1, article 6 the Maine Land Use Planning Commission, shall evaluate the effect of associated facilities of an offshore wind terminal in terms of potential effects on scenic character and existing uses related to scenic character in accordance with Title 12, section 685-B, subsection 4, paragraph C; Title 38, section 480-D; or Title 38, section 484, subsection 3, in the manner provided for development other than offshore wind terminal development.
 - 4. Limitation on number of offshore wind terminals. The department may not approve permits under Title 38, section 480-D or Title 38, section 484 for more than 4 offshore wind terminals. If a permit approved under Title 38, section 480-D or Title 38, section 484 expires, is surrendered or is revoked prior to construction of an offshore wind terminal, the department may approve a permit under those sections for another offshore wind terminal.'

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

- 'Sec. 4. 38 MRSA §480-D, sub-§1, as amended by PL 2009, c. 615, Pt. E, §8, is further amended by enacting at the end a new last blocked paragraph to read:
- In making a determination under this subsection regarding an offshore wind terminal as defined in Title 35-A, section 3407, subsection 1, paragraph D, the department shall consider the terminal's effects on scenic character and existing uses related to scenic character in accordance with Title 35-A, section 3407.
- Sec. 5. 38 MRSA §482, sub-§2, ¶F, as amended by PL 2009, c. 615, Pt. E, §14, is further amended to read:
 - 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 amended to read: 32
 - J. Is an offshore wind power project with an aggregate generating capacity of 3 megawatts or more-; or
 - 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, paragraph D. 37
- Sec. 8. 38 MRSA §484, sub-§3, ¶J is enacted to read: 38
- 39 J. In making a determination under this subsection regarding an offshore wind terminal as defined in Title 35-A, section 3407, subsection 1, paragraph D, the department shall 40 41 consider the terminal's effects on scenic character and existing uses related to scenic
- character in accordance with Title 35-A, section 3407. 42

Sec. 9. Federal funding. The Department of Environmental Protection, in consultation and coordination with the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Department of Transportation and the Maine Port Authority, shall seek federal funding available under the federal Infrastructure Investment and Jobs Act, the federal Inflation Reduction Act of 2022 and any other federal law or program to purchase or subsidize the purchase of port technology, to fund the construction of port facilities to support an offshore wind power project and to restore or enhance climate resilience and biodiversity of any nearshore, intertidal or upland areas disturbed by activities related to offshore wind power projects governed by the Maine Revised Statutes, Title 23, chapter 412, subchapter 3. For the purposes of this section, "port technology" means technology used at or near a port facility to service or support a wind project and includes but is not limited to technology involved in cargo handling, cement or concrete manufacturing, surface transportation and shore power for maritime vessels.'

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

16 SUMMARY

This amendment is the majority report of the committee. The amendment requires that the Maine Port Authority or the agency responsible for granting the lease of a port facility owned or operated by the State must require as a condition of the lease as part of its required plan a description of how the responsible entity intends to deliver savings to ratepayers and overall project costs by providing labor harmony, access to a steady supply of skilled labor and infrastructure and scheduling efficiencies.

The amendment also establishes a new type of port development used for fabricating offshore wind turbines called an offshore wind terminal. It establishes a visual impact standard to evaluate the effect of the development of an offshore wind terminal. The amendment provides that offshore wind terminals must receive review under the provisions of law governing site location of development. The amendment amends the provisions of law governing site location of development and the Natural Resources Protection Act to provide that when proposed offshore wind terminals receive review, impacts related to scenic character and existing uses related to scenic character are governed by the new visual impact standard.

FISCAL NOTE REQUIRED (See attached)