

### **§3405. Prohibition on offshore wind power projects in territorial waters and submerged lands**

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

A. "Associated facilities" has the same meaning as in section 3451, subsection 1. [PL 2021, c. 407, §2 (NEW).]

B. "Offshore wind energy demonstration project" has the same meaning as in Title 38, section 480-HH, subsection 1, paragraph H. [PL 2021, c. 407, §2 (NEW).]

C. "Offshore wind power project" means an offshore project that uses a windmill or wind turbine to convert wind energy to electrical energy. "Offshore wind power project" includes both generating facilities as defined by section 3451, subsection 5 and associated facilities, without regard to whether the electrical energy is for sale or use by a person other than the generator. [PL 2021, c. 407, §2 (NEW).]

D. "Pilot-scaled, limited duration offshore wind power research and development project" means an offshore project that uses a wind turbine to convert wind energy to electrical energy, has a generating capacity of no more than 0.5 megawatts and is operational for no more than 5 years. [PL 2021, c. 407, §2 (NEW).]

E. "Submerged lands" has the same meaning as in Title 12, section 1801, subsection 9. [PL 2021, c. 407, §2 (NEW).]

F. "Territorial waters" has the same meaning as in Title 12, section 6001, subsection 48-B. [PL 2021, c. 407, §2 (NEW).]  
[PL 2021, c. 407, §2 (NEW).]

**2. Prohibition.** Notwithstanding any provision of law to the contrary and except as otherwise provided by subsection 3, a state agency or municipality or other political subdivision of the State may not license, permit or otherwise approve or authorize the siting, construction or operation of or issue a lease or grant an easement or other real property interest for a windmill or wind turbine or tower for an offshore wind power project in state-owned submerged lands or territorial waters.  
[PL 2021, c. 407, §2 (NEW).]

**3. Exemption.** The prohibition established under subsection 2 does not apply to:

A. A pilot-scaled, limited-duration offshore wind power research and development project; [PL 2021, c. 407, §2 (NEW).]

B. An offshore wind energy demonstration project and its associated facilities proposed for location in the Maine Offshore Wind Energy Research Center designated by the Department of Agriculture, Conservation and Forestry pursuant to Title 12, section 1868 and for which, prior to the effective date of this section, the commission has approved the terms of a long-term power purchase agreement. Subsequent amendment of the terms of such an agreement does not affect the applicability of this exemption; [PL 2021, c. 407, §2 (NEW).]

C. The licensing, permitting or approval by a state agency or municipality or other political subdivision of the State of the siting, construction or operation of or the issuance of a lease or the grant of an easement or other real property interest for portside infrastructure or associated facilities other than utility cables or transmission lines governed by paragraph D that are intended to support generation of electricity from offshore wind energy facilities located seaward of the territorial waters; and [PL 2021, c. 407, §2 (NEW).]

D. The licensing, permitting or approval by a state agency or municipality or other political subdivision of the State of the siting, construction or operation of or the issuance of a lease or the grant of an easement or other real property interest for utility cables or transmission lines that are

intended to support generation of electricity from offshore wind energy facilities located seaward of the territorial waters if, by March 1, 2023:

(1) The Governor's Energy Office has completed a strategic plan to inform the development of offshore wind power projects that minimizes conflict with existing maritime industries, particularly fishing; identifies opportunities to preserve existing maritime businesses and jobs; and maximizes jobs, investment, new technologies and sustainability;

(2) The Governor's Energy Office, in consultation with other state agencies, has conducted a review of applicable state laws and rules to determine whether the existing offshore wind energy statutory and regulatory framework protects the State's coastal resources in a manner that avoids or minimizes adverse effects on coastal resources and users from the development of offshore wind power projects located seaward of the territorial waters; and

(3) The Governor's Energy Office, with input from the advisory board of the Offshore Wind Research Consortium established in section 3406, has identified the preliminary research questions the consortium seeks to answer regarding the development of offshore wind power projects.

The Governor's Energy Office shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utility matters when the conditions established under subparagraphs (1) to (3) are met. [PL 2021, c. 407, §2 (NEW).]

[PL 2021, c. 407, §2 (NEW).]

#### SECTION HISTORY

PL 2021, c. 407, §2 (NEW).

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