

### §3454. Determination of tangible benefits; requirements

In making findings pursuant to Title 38, section 484, subsection 3, the primary siting authority shall presume that an expedited wind energy development provides energy and emissions-related benefits described in section 3402 and shall make additional findings regarding other tangible benefits provided by the development. The Department of Labor, the Governor's Energy Office and the Public Utilities Commission shall provide review comments if requested by the primary siting authority. [PL 2021, c. 293, Pt. A, §47 (RPR).]

**1. Documentation.** As part of any permit application for an expedited wind energy development, the applicant shall include the following information regarding tangible benefits, except that the applicant may submit the information required under paragraph D as an addendum to the permit application during the period in which the application is pending:

- A. Estimated jobs to be created statewide and in the host community or communities, as a result of construction, maintenance and operations of the project; [PL 2009, c. 642, Pt. A, §7 (NEW).]
  - B. Estimated annual generation of wind energy; [PL 2009, c. 642, Pt. A, §7 (NEW).]
  - C. Projected property tax payments; [PL 2009, c. 642, Pt. A, §7 (NEW).]
  - D. A description of the community benefits package, including but not limited to community benefit agreement payments, to be provided in accordance with the requirements of subsection 2; and [PL 2009, c. 642, Pt. A, §7 (NEW).]
  - E. Any other tangible benefits to be provided by the project. [PL 2009, c. 642, Pt. A, §7 (NEW).]
- [PL 2009, c. 642, Pt. A, §7 (NEW).]

**2. Community benefits package requirement.** Except as provided in subsection 3, to demonstrate that an expedited wind energy development provides significant tangible benefits as required in Title 38, section 484, subsection 10, the applicant for an expedited wind energy development is required to establish a community benefits package valued at no less than \$4,000 per year per wind turbine included in the expedited wind energy development, averaged over a 20-year period. This subsection does not affect the property tax obligations of an expedited wind energy development. [PL 2011, c. 682, §28 (AMD).]

**3. Community benefits package requirement; exceptions.** The community benefits package requirement under subsection 2:

- A. Is waived for any expedited wind energy development that:
  - (1) Has an installed capacity of less than 20 megawatts; or
  - (2) Is owned by a nonprofit entity, a public entity or a quasi-public entity; and [PL 2009, c. 642, Pt. A, §7 (NEW).]
- B. Does not apply to those turbines included in the development that are located:
  - (1) In a host community in which the legislative body has voted to waive or reduce the community benefits package requirement;
  - (2) On Passamaquoddy Indian territory, as defined in Title 30, section 6203, subsection 6, unless the Passamaquoddy Tribe notifies the primary siting authority that it chooses to be considered a host community for the purposes of this chapter with respect to the expedited wind energy development;
  - (3) On Penobscot Indian territory, as defined in Title 30, section 6203, subsection 9, unless the Penobscot Nation notifies the primary siting authority that it chooses to be considered a host community for the purposes of this chapter with respect to the expedited wind energy development; or

(4) On Qualifying Band Trust Land unless the Mi'kmaq Nation notifies the primary siting authority that it chooses to be considered a host community for the purposes of this chapter with respect to the expedited wind energy development.

The community benefits package requirement applies to any turbines of the development that are not exempted under subparagraph (1), (2), (3) or (4). [PL 2009, c. 642, Pt. A, §7 (NEW); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

Nothing in this subsection limits a host community's authority to require an expedited wind energy development to enter into a community benefit agreement and to fulfill its property tax obligations. [PL 2009, c. 642, Pt. A, §7 (NEW); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

**4. Community benefit agreement payments to counties.** When generating facilities of an expedited wind energy development are located within an unorganized or deorganized area other than within a plantation, community benefit agreement payments provided to the county as the host community in accordance with this section may be used for projects and programs of public benefit located anywhere within that county.

[PL 2009, c. 642, Pt. A, §7 (NEW).]

**5. Promoting economic development and resource conservation; assistance to host communities.** To the extent practicable within existing resources, the Department of Economic and Community Development, the Governor's Energy Office and the Governor's Office of Policy Innovation and the Future shall provide, upon the request of a host community, assistance for the purpose of helping the host community maximize the economic development and resource conservation benefits from tax payments and payments made pursuant to a community benefit agreement or a community benefits package in connection with expedited wind energy developments. As part of this assistance, the department and the Department of Economic and Community Development shall support host communities in identifying additional funding and developing regional economic and natural resource conservation strategies.

[PL 2019, c. 343, Pt. D, §16 (AMD).]

#### SECTION HISTORY

PL 2007, c. 661, Pt. A, §7 (NEW). PL 2009, c. 642, Pt. A, §7 (AMD). PL 2011, c. 655, Pt. DD, §§14, 15 (AMD). PL 2011, c. 655, Pt. DD, §24 (AFF). PL 2011, c. 682, §§27, 28 (AMD). PL 2013, c. 424, Pt. A, §21 (AMD). PL 2019, c. 343, Pt. IIII, §10 (AMD). PL 2019, c. 343, Pt. D, §§15, 16 (AMD). PL 2021, c. 293, Pt. A, §47 (AMD). PL 2023, c. 369, Pt. A, §4 (REV). PL 2023, c. 369, Pt. A, §5 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.