

**§3498. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2023, c. 215, §3 (NEW).]

**1. Decommissioning.** "Decommissioning" means the physical removal of all components of a battery storage system development, including but not limited to battery storage modules and associated anchoring systems and foundations to a depth of at least 24 inches or to the depth of bedrock, whichever is less, and other structures, buildings, roads, fences, cables, electrical components or associated facilities and foundations to a depth of at least 24 inches or to the depth of bedrock, whichever is less, to the extent the components of the development are not otherwise in or proposed to be placed in productive use or otherwise authorized to remain in place by the environmental permitting entity.

For any portion of a battery storage system development located on land classified as farmland any time within 5 years preceding the start of construction of the development, "decommissioning" means the physical removal of all such components of the development to a depth of at least 48 inches or to the depth of bedrock, whichever is less, to the extent such components are not otherwise in or proposed to be placed in productive use or otherwise authorized to remain in place by the environmental permitting entity.

"Decommissioning" includes the grading to postconstruction grade and revegetation of all earth disturbed during construction and decommissioning, except for areas already restored. [PL 2023, c. 215, §3 (NEW).]

**2. Battery storage system.** "Battery storage system" means a commercially available technology that uses chemical processes for absorbing energy and storing it for a period of time for use at a later time, including but not limited to lithium-ion batteries. [PL 2023, c. 215, §3 (NEW).]

**3. Environmental permitting entity.** "Environmental permitting entity" means:

A. The Department of Environmental Protection in the case of a battery storage system development:

- (1) Located wholly or partly outside of the unorganized and deorganized areas; or
- (2) Subject to the department's jurisdiction pursuant to Title 38, chapter 3, subchapter 1, article 6; or [PL 2023, c. 215, §3 (NEW).]

B. The Maine Land Use Planning Commission in the case of a battery storage system development located wholly in the unorganized and deorganized areas and not subject to the jurisdiction of the Department of Environmental Protection pursuant to Title 38, chapter 3, subchapter 1, article 6. [PL 2023, c. 215, §3 (NEW).]

[PL 2023, c. 215, §3 (NEW).]

**4. Farmland.** "Farmland" has the same meaning as in Title 36, section 1102, subsection 4. [PL 2023, c. 215, §3 (NEW).]

**5. Transfer of ownership.** "Transfer of ownership" means a change in the legal entity that owns or operates a battery storage system development. A sale or exchange of stock or membership interests or a merger is not a transfer of ownership as long as the legal entity that owns or operates the battery storage system development remains the same. [PL 2023, c. 215, §3 (NEW).]

**6. Unorganized and deorganized areas.** "Unorganized and deorganized areas" has the same meaning as in Title 12, section 682, subsection 1. [PL 2023, c. 215, §3 (NEW).]

**SECTION HISTORY**

PL 2023, c. 215, §3 (NEW).

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