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An Act To Ensure Accurate Valuation of a Community Benefits Package for Communities That Host Wind Energy Developments

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §3451, sub-§1-C, as enacted by PL 2009, c. 642, Pt. A, §3, is repealed.

Sec. 2. 35-A MRSA §3451, sub-§1-D is enacted to read:

1-D. Community benefits package. "Community benefits package" means the net value of:

A. The positive value of the aggregate collection of tangible benefits resulting from any of the following:

(1) Payments, not including property tax payments, to the host community or communities, including, but not limited to, payments under community benefit agreements;

(2) Payments that reduce energy costs in the host community or communities; and

(3) Any donations for land or natural resource conservation; and

B. The negative value of the collection of community losses that might be expected as the result of the construction, operation or maintenance of an expedited wind energy development, as determined pursuant to standards adopted by the department by rule. Such losses shall include property value losses, business revenue losses or any losses, material or otherwise, that are demonstrated by a person or entity owning property within the host community. Rules adopted under this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2A.

Sec. 3. 35-A MRSA §3454, sub-§2, as enacted by PL 2009, c. 642, Pt. A, §7, is amended to read:

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 12, section 685B, subsection 4B and 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 20year period. The community benefits package must include financial assurance in the form of a bond or specialized insurance product to ensure that the community benefits package will be paid in full if the expedited wind energy development defaults on its obligation to make payments under the community benefit agreement. This subsection does not affect the property tax obligations of an expedited wind energy development.

SUMMARY

This bill adds the requirement that the valuation of the community benefits package for communities that host wind energy developments account for losses such as decreases in property value and business losses. The bill also requires the community benefits package to include a financial assurance that it will be paid if there is a default.