

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Site Location of Development Laws To Include Consideration of Greenhouse Gas Emissions

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

Sec. 1. 38 MRSA §484, sub-§11 is enacted to read:

11. Greenhouse gas emissions. The proposed development will not result in or contribute to unreasonable emissions of greenhouse gases. In making a determination under this subsection, the department may consider factors related to the location, design, construction and operation of the development, including, but not limited to, land use, transportation, building materials, building energy usage, energy conservation policies and actions, and solid waste.

Sec. 2. 38 MRSA §489-E is enacted to read:

§ 489-E. Greenhouse gas emissions mitigation

1. Mitigation. In determining, pursuant to section 484, subsection 11, whether a development will result in unreasonable emissions of greenhouse gases, the department may consider mitigation of emissions of greenhouse gases. For purposes of this subsection, "mitigation" means any action taken or not taken to avoid, minimize, rectify, reduce, eliminate or compensate for emissions of greenhouse gases. The department may require that compensation for emissions of greenhouse gases include the design, implementation and maintenance of a greenhouse gas offset compensation project or may allow the applicant to pay a greenhouse gas compensation fee.

A. The department may establish a compensation fund for the purpose of receiving compensation fees other than those paid directly to a state entity as provided in paragraph B, grants and other related income under this section. Income received under this paragraph must be deposited to the credit of the compensation fund and may be invested as provided by law. Interest on these investments must be credited to the compensation fund. The department may make payments from the compensation fund consistent with the purpose of the fund. A project that is funded in whole or in part from the compensation fund must be approved by the department, except that the department may transfer to or deposit greenhouse gas compensation funds with the Energy and Carbon Savings Trust established under Title 35-A, section 10008 for use in energy conservation and efficiency projects that do not require approval by the department.

B. The department may require that all or a portion of a greenhouse gas compensation fee be paid directly to a state entity designated by the department for use in energy efficiency and conservation projects that do not require approval by the department.

SUMMARY

SP0341, LD 891, item 1, 124th Maine State Legislature
An Act To Amend the Site Location of Development Laws To Include Consideration of Greenhouse Gas Emissions

This bill adds a new standard to the laws governing site location of development to allow the Department of Environmental Protection to review and consider the greenhouse gas emissions likely to occur as a result of the project. The bill also provides a related provision concerning mitigation.