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An Act To Allocate Net Revenue from Energy Corridor Leases on the Maine Turnpike for Purposes of Energy and Environmental Conservation

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

Sec. 1. 5 MRSA §282, sub-§9, as amended by PL 2011, c. 652, §1 and affected by §14, is further amended to read:

9. Energy infrastructure benefits fund. To establish an energy infrastructure benefits fund. Except as otherwise provided by Title 35-A, section 122, subsections 1-C and 6-B and 6-C or any other law, including the Constitution of Maine, the fund consists of any revenues derived from the use of state-owned land and assets for energy infrastructure development pursuant to Title 35-A, section 122. Each fiscal year, the Treasurer of State shall transfer revenues collected in the fund to the Efficiency Maine Trust for deposit by the Efficiency Maine Trust Board in program funds pursuant to Title 35-A, section 10103, subsection 4 and use by the trust in accordance with Title 35-A, section 10103, subsection 4-A. For the purposes of this subsection, "energy infrastructure" and "state-owned" have the same meanings as in Title 35-A, section 122, subsection 1.

Sec. 2. 35-A MRSA §122, sub-§6-C is enacted to read:

6-C. Revenues from energy infrastructure corridors owned by the Maine Turnpike Authority. Notwithstanding subsection 6-A, an occupancy agreement concluded under this section must provide that 90% of net revenue generated from the use of land, rights-of-way and other assets owned by the Maine Turnpike Authority must be paid to the Maine Turnpike Authority and 10% of such net revenue must be deposited into the energy infrastructure benefits fund established in Title 5, section 282, subsection 9. Net revenue paid to the Maine Turnpike Authority must be used by the authority for environmental and energy conservation purposes, including but not limited to the following:

- A. Development of open road tolling, all-electronic tolling and other strategies to conserve motor fuel;
- B. Protection of watersheds affected by the Maine Turnpike and its associated structures;
- C. Wetland damage mitigation and the protection of species endangered by turnpike development or expansion;
- D. Reducing the environmental impact of salt, sand and other substances necessary for road clearance;
- E. Use of sensors linked by fiber-optic networks to save fuel and enhance safety by monitoring highway traffic and weather conditions;
- F. Gains in energy efficiency by such means as installing LED lighting, improving insulation and converting heating systems to natural gas or alternative fuels; and

G. Joint projects with the Department of Transportation on department projects, as defined in Title 23, section 1964, subsection 4-A, to enhance environmental and energy conservation within the State's transportation infrastructure subject to the limits in Title 23, section 1961, subsection 7.

As used in this subsection, "net revenue" means the amounts owed to the Maine Turnpike Authority as reimbursement for its costs pursuant to an agreement negotiated pursuant to subsection 1-C prior to determining the amount of revenue to be divided between the Maine Turnpike Authority and the State under an occupancy agreement concluded under this section.

SUMMARY

Current law requires that net revenue from the lease of an energy corridor on the Maine Turnpike's right-of-way be deposited in the Efficiency Maine Trust. This bill instead requires 10% of the net revenue to be deposited in the Efficiency Maine Trust and requires the balance to be used by the Maine Turnpike Authority for environmental and energy conservation initiatives either for the Maine Turnpike or for the State's broader transportation sector in joint projects with the Department of Transportation as currently allowed for in the turnpike's enabling act.