

Maine Data Center Advisory Council Working Document – Draft Recommendations Framework for Initial Discussion

The Maine Data Center Advisory Council (the Council) was established by [Executive Order of Governor Janet Mills](#) on April 29, 2026. The Council was formed to provide strategic input, facilitate coordinated State planning, and evaluate policy tools to address large-scale data center opportunities and related benefits and risks to the State of Maine.

Since its kickoff meeting on June 3, the Council has explored topics related to the energy, environmental, and economic and community development considerations of large-scale data center development in Maine. The Council has been informed by experts and public input throughout the process, which included two public listening sessions held in late August and early September.

This working document reflects initial discussion of draft recommendations to advance the goals of protecting ratepayers, maintaining electric grid reliability, minimizing environmental impacts, and enabling responsible and appropriately sited economic development. These draft recommendations reflect Council discussion to date, particularly ideas generated in the group's September meeting. Staff have developed this discussion draft together to support the Council's deliberations in October and November.

The Council has closely reviewed feedback from the public in the context of the Executive Order, which directs the Council to explore safeguards and responsible development of large data centers. In the listening sessions and in the various stakeholder surveys conducted throughout the process to date, many commenters urged Maine to enact a moratorium or similar prohibition on large data centers, citing a range of potential negative impacts. The draft recommendations below seek to address many of the underlying concerns about these impacts. This Council, however, has not been tasked with making a recommendation regarding a moratorium or ban.

The Council's final report and recommendations are due to the Governor and Legislature on January 29, 2027. Public input will be sought on a draft report and recommendations released for comment in the coming months.

This document outlines the following for discussion by the Council:

- Report Outline – See Appendix A
- Initial Recommendations Framework – See below
- Relevant Definitions – Appendix B

Draft Recommendations

Environment and Public Health

These recommendations build on Maine's strong environmental protections by adding requirements specific to the potential impacts of large datacenters that would provide clarity to datacenter developers and surrounding communities. The DEP sets quantitative standards for pollutants in consultation with specialists at the Maine Center for Disease Control to protect public health. The DEP also consults with experts at the Maine Department of Inland Fisheries and Wildlife and the Department of Marine Resources when developing regulations and reviewing permit applications to ensure protection of Maine's natural resources.

Building a data center requires multiple permits from multiple governmental authorities. Which permits and other approvals are required depends on where a facility is located and what equipment will be operated. For example, use of an already developed industrial site often involves far fewer environmental impacts than building on a greenfield. That means that permitting is easier, which is an incentive for developers to use Brownfield sites. The recommendations below consolidate ideas from Council discussions and public comments into recurring themes with actionable steps.

RECOMMENDATIONS – ENVIRONMENT AND PUBLIC HEALTH

Siting

- The State should require large data center developers converting high value agricultural land or large areas of core habitat in undeveloped habitat blocks to establish conservation easements or pay compensation for acres converted.
- DEP should ensure large data center developers consider cross-jurisdictional impacts where neighboring municipalities will also be impacted by a large data center development (e.g., traffic, noise, viewshed, need for emergency services).

Transparency

- DEP should publish applications for air emissions, wastewater discharge, surface and groundwater withdrawal licenses on DEP's website or a publicly accessible data system.
- DEP should publish annual air emission reports, annual water withdrawal reports, and monthly discharge monitoring reports from licensed data centers on DEP's website or a publicly accessible data system.
- DEP should protect public notice requirements for air emission, groundwater withdrawal, and wastewater discharge license applications by including them in

Maine law. Although these requirements currently exist, some are based on federal regulatory requirements that may be subject to change; codifying them retains transparency and opportunities for public engagement in licensing processes.

Air pollution control

- DEP should require large data centers subject to air emission licensing requirements to conduct a Best Available Control Technology analysis that includes evaluating alternatives to the use of back-up generators, including battery storage and fuel cells.
- DEP should require generators at large data center developments to meet at least Tier 4 certification standards, or Best Available Control Technology if a Tier 4 certified generator is not commercially available.
- DEP should include air emission limitations on PFAS from evaporative coolers at large data centers.

Water consumption

- The State should encourage closed loop cooling systems for large scale datacenters.
- DEP should require data center developers to demonstrate that significant groundwater withdrawals will not have an unreasonable effect on waters of the State, water-related natural resources and existing uses, including public or private wells.
- The State should require large datacenters to bear the full cost to expand water system infrastructure to serve them.

Wastewater

- Large data center developers should be encouraged to use existing wastewater infrastructure and should be required to pay the costs for any wastewater infrastructure investments needed to serve their development.
- DEP should include requirements for monthly monitoring for PFAS, metals, and heat at a minimum in wastewater discharged to the environment or to a wastewater utility. Monthly discharge monitoring reports should be submitted to DEP and any receiving wastewater utility, and should be available on DEP's website or a publicly available data system.
- DEP should establish limits on PFAS in wastewater discharge licenses for large data centers to ensure any PFAS used in data center equipment or fluids is not released to the environment in harmful quantities.

- Large data centers that discharge wastewater to a wastewater district should be required to have pretreatment agreements to reduce discharges of heat, bacteria, metals, PFAS and other pollutants of concern.

Sound

- The DEP, in collaboration with the Department of Health and Human Services and the Department of Inland Fisheries and Wildlife, should utilize the best available science to establish minimum guidelines for decibels and 1/3 octave band levels from large data centers to address sound and infrasound impacts to residents and wildlife. These guidelines should be available for implementation by local permitting authorities.

Wildlife impacts

- The State's natural resource agencies should study the impacts to fish, wildlife and rare plant species from increased ambient thermal loads. The agencies should also study impacts to fish and wildlife from sound and infrasound.

Materials management

- The State should expand electronic waste product stewardship programs to include electronic wastes from data centers.

Decommissioning

- DEP should require financial assurance from large data center developers adequate to remove all fluids and waste materials from the property at the time of closure.

Ratepayer Protections and Energy Priorities

The core principle underpinning these initial draft recommendations is simple: All energy costs associated with large data centers should be borne by large data centers, not Maine people or other Maine businesses.

Maine's energy system involves multiple entities with distinct regulatory roles to ensure that the appropriate safeguards are in place, while providing transparency for ratepayers and the general public. The scale and operating characteristics of large data centers may present unique implications for Maine's infrastructure planning, cost allocation, and compliance with clean and renewable energy laws. If planned and operated responsibly, additional load, potentially from appropriately sited and permitted data centers, could benefit other utility customers by spreading existing fixed costs across a greater number of users. Conversely, large data center deployment far outside of Maine's borders may increase energy costs for Maine, such as by increasing demand for fossil fuels upon which

Maine is heavily dependent. Importantly, Maine’s industrial base is critical to the State’s economy and a meaningful component of its energy profile; as large load discussions proceed, the State should aim to minimize impacts to manufacturing and related industrial activity in the State. Given the multi-jurisdictional energy regulatory landscape and largely unregulated market dynamics, state agencies must coordinate and advocate for Maine ratepayers and prevent costs from being shifted across regional transmission and energy markets.

RECOMMENDATIONS – ENERGY

Electricity Market Ratepayer Protections

- Maine state agencies should ensure that Maine ratepayers are effectively shielded from any cost increases that may occur due to large data center deployment inside or outside the state, to the greatest extent possible.
 - Through ongoing regional processes, new large data centers should be subject to strict requirements to avoid impacting reliability or costs for other customers, through either: (1) firm transmission service, under which they would deliver incremental new capacity (“bring your own generation”) and be subject to cost allocation rules that prevent their interconnection from increasing transmission rates for other customers; or (2) non-firm transmission service, under which they would be excluded from established regional wholesale capacity markets and required to curtail load when necessary.
 - Regional markets should adopt necessary enabling rules, practices, and other enabling capabilities to ensure these requirements can be fairly and appropriately met.

Public Utility Ratepayer Protections

- The Maine Public Utilities Commission (PUC) should require approval of interconnection contracts for large data centers, such as with special rate contracts or the equivalent, to ensure compliance with standards for electric utilities and, to the extent impacts are anticipated, for water and gas utilities.
- Informed by its ongoing inquiry, the PUC should review and, to the extent necessary, update its existing terms and conditions and rate schedules to ensure large data centers cover the full costs associated with interconnecting to electric, water, and gas utilities.

- Large data centers should pay for infrastructure in advance or have security in place so that ratepayers are made whole if the project is not built or prematurely closes.
- Continue to consider whether all large data centers should be required to take service from the existing public utilities.

Clean Energy

- Large data centers should adhere to established state clean energy and renewable energy laws and compliance requirements, including the Renewable Portfolio Standard and Clean Energy Standard. Existing exemptions from those requirements that apply to certain qualified businesses or customers of small electric utilities should not be available to large data centers.
- For projects larger than 50 MWs, data centers should be required to procure incremental renewable and clean energy and/or capacity equivalent to their annual portfolio obligation and consider local economic benefits in Maine.

Transparency and Market Trends

- Large data centers should publicly report information on energy use and compliance, including contracted output for new generation and on-site power supplies (primary and backup).
- DOER and the PUC, through its ongoing regional work, should monitor large data center market evolutions identified by ISO-NE, independent market monitors, and federal agencies and work to incorporate changes to the PUC requirements as necessary.

Community and Economic Development

These recommendations aim to bolster local decision-making for residents, businesses, and communities, and balance economic growth and the need for investment, good jobs, and public services. Significant questions in Maine exist about how data centers may affect local resources, which has prompted some communities to advance temporary pauses on data center development to assess these impacts. Maine's home rule authority means each community will decide for itself whether to host a data center, with responses varying by local capacity and priorities. For example, communities with underused infrastructure and brownfield sites may be more motivated to take advantage of property and equipment taxes from data centers as part of a strategy to rebuild their local tax base.

RECOMMENDATIONS – ECONOMIC AND COMMUNITY DEVELOPMENT

Transparency

- The State should clarify that under the Maine Freedom of Access Act, no public official may enter into, enforce, or require a nondisclosure agreement associated with a proposed large data center. The Freedom of Access Act only allows public officials to withhold records under specific circumstances and cannot be superseded by a non-disclosure agreement.

Technical Assistance

- The State should create resources for communities and Wabanaki Nations and provide technical assistance, as requested, to support informed decisions about future development of large data centers. This may include technical information relevant to energy infrastructure, environmental permitting, community benefits, potential reporting requirements, and other needs, as identified by communities.
- Communities should have access to information related to electricity infrastructure, capacity, and other tools to help support in community-driven economic development to reduce costs and make use of the existing grid capacity.

Strategic Planning and Coordination

- The State of Maine should coordinate across agencies to ensure large data center development is consistent with long term planning objectives.
- The State should provide a multi-agency sequenced check list of requirements for better agency coordination and public transparency.

Siting

- Large data center developers should be required to obtain municipal or Land Use Planning Commission (LUPC) approval to satisfy title, right or interest requirements before submitting Site Law or NRPA applications to the DEP.
- Developers of large data centers built on sites not previously used for industrial development should be required to meet setback distances from residential, institutional (e.g. medical facilities and schools), and elder care property boundaries.
- State policies should encourage development on brownfields and sites with existing interconnection capacity.

- Recommendations from DECD's analysis, per P.L. 2026, Ch. 768,¹ should be incorporated for legislative consideration.
- As part of its current update to the Comprehensive Land Use Plan, the Land Use Planning Commission should evaluate the effectiveness of LUPC's regulations on the specific development impacts that may result from large data centers.

Community Benefits

- The State of Maine should encourage large data centers to enter into Community Benefits Agreements with municipalities proportional to project size and community impacts.
- Large data center developers should be required to, if requested by the municipality, fund the legal and technical review of development plans.

Broadband

- The State of Maine should support the strategic development of fiber optic infrastructure and require open access of high-capacity fiber constructed to serve large data centers.

Jobs and Workforce

- The State of Maine encourages projects that hire locally and provide opportunities for workforce training and development. Large data center developers should partner with local employers, regional training providers, and community colleges to establish specialized training for data center technicians and supporting occupations.
- Investments in workforce development and training resulting from a large data center project should provide opportunities for retraining of local workforce for underemployed workers, veterans, and local youth to support high-wage, high-skilled careers.
- The State should support measures that protect existing workforce and industries, including the industrial sector, and advocate for policies that adequately protect incumbent and natural resource-based industries.

Public Safety

- The State of Maine should develop training and guidance for public safety institutions (Office of the State Fire Marshal, Emergency Management, others) in

¹ <https://legislature.maine.gov/legis/bills/getPDF.asp?paper=HP0452&item=5&snum=132>

coordination with municipalities and local public safety (fire, police) and data center developers and operators.

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Appendix A: Report Outline

Executive Summary

Introduction

- Definitions

Key Information and Context

- Environment
- Energy
 - Public Utilities Commission Docket 2026-0014
 - ISO-NE Response to FERC Show Cause Order
- Economic and Community Development

Public Input

- Surveys
- Listening Sessions
- Written Comment

Recommendations

- Environment
- Energy
- Economic and Community Development

Council Process and Outputs

- Council Information
- Meeting Summaries
- Resources

Appendix B: Relevant Definitions

There is no existing definition of large data centers in Maine. The Council should consider recommending a new definition(s) for large data centers for the purposes of relevant regulatory processes, including the PUC and DEP. Relevant definitions for discussion are included below.

- **Maine Statute:** For the purposes of changes to the tax law in the 132nd Legislature, data centers were defined as “a facility that primarily contains electronic equipment used for data processing, data storage, cloud computing or similar computing infrastructure services,” but the term “does not include a facility or portion of a facility containing electronic equipment that is incidental to and used in support of a business whose primary business activity is not the performance of data processing, data storage, cloud computing or similar computing infrastructure services” 36 M.R.S. § 691(1)(A)(10).
- **LD 307:** Maine has not defined large data centers in law, but the Council has focused on the same scale that was discussed with the Legislature earlier this year – facilities requiring 20 MW or more of electrical load. L.D. 307, 132nd Legis., 2d Reg. Sess. (Me. 2026) (Vetoed).
- **ISO-NE:** ISO-NE, the regional grid operator, is contemplating a threshold of 50 MW of peak demand for large loads as part of its response to the Federal Energy Regulatory Commission’s large-load show cause proceeding (Docket EL26-72).
- **Other Jurisdictions:** Other states and jurisdictions have considered adopting a definition that the developer, owner, or operator of the data center is engaged in providing service under NAICS 518210 — Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services (2022).
- **North American Electric Reliability Corporation (NERC):** The Federal Energy Regulatory Commission ordered the [North American Electric Reliability Corporation](https://www.nerc.com/globalassets/who-we-are/rules-of-procedure/proposed/appendix-2-redline-to-last-approved---august-2026-posting.pdf) to develop mandatory reliability rules and registration criteria for large data centers and other computational loads by December 31, 2026.² Current NERC Definition:
 - Definitions:³

² <https://www.nerc.com/standards/reliability-standards-under-development/2026-02-computational-loads>

³ <https://www.nerc.com/globalassets/who-we-are/rules-of-procedure/proposed/appendix-2-redline-to-last-approved---august-2026-posting.pdf>

- *“Computational Load Operator” means the entity that operates a Computational Load Site.*
- *“Computational Load Owner” means the entity that owns and maintains a Computational Load Site.*
- *“Computational Load Site” means one or more buildings, structures, or installations at a single location that 1) Primarily contains information technology infrastructure used for:*
 - *creating, executing, and delivering software applications and services;*
 - *artificial intelligence training, deployment, and delivery;*
 - *cryptocurrency mining;*
 - *• other computational activities at a data center;*
 - *and 2) is supplied through electrical equipment that is connected to the [Bulk Power System].*
- The current NERC draft raises it to 50MW⁴ (20 MW was originally proposed):
 - *Computational Load Owner/Operator of a Computational Load Site with a total connected Load greater than or equal to 50 MW that is supplied through electrical equipment connected at a voltage level greater than or equal to 100 kV from one or more points of connection.*

Proposed Definition for Large Data Centers In Maine:

- Adopt NERC definition; consider an appropriate MW threshold for Maine given the scale of Maine’s bulk power system.

⁴ <https://www.nerc.com/globalassets/who-we-are/rules-of-procedure/proposed/appendix-5b-redline-to-last-approved---august-2026-posting.pdf>