Data Center Moratorium Ordinance
Town of Prospect, Maine

WHEREAS, the Select Board of the Town of Prospect, Maine, after due consideration,
find pursuant to 30-A M.R.S. § 4356 as follows:

1. There has been a recent increase in the development of large-scale data centers within the State of Maine;
2. Data centers consume disproportionate amounts of water and electrical energy, often equivalent to tens of thousands of homes;
3. Data centers are known to strain local energy grids and result in an increase in residential utility costs;
4. Data centers can create noise pollution, heat islands, and have significant environmental impacts, requiring large amounts of water to function;
5. The development of data centers within the Town, without appropriate ordinance and regulatory standards, is likely to result in an overburdening of Town resources and facilities;
6. The Town of Prospect's ordinances and regulations are inadequate to prevent the serious public harm that may result from the development of data centers in the Town or provide for the effective review and regulation of the location and operation of data centers in the Town;
7. The Town requires at least 180 days to gather information regarding the potential effect of data centers on the local energy grid and environment and to develop and implement ordinances and regulations necessary to address these development pressures and protect the public health and safety and welfare of the Town's residents; and
8. The Select Board finds that the foregoing facts necessitate the imposition of a temporary moratorium on data centers.

NOW THEREFORE, be it ordained by the Select Board of the Town of Prospect as follows:

1. This Data Center Moratorium Ordinance ("Moratorium Ordinance") is hereby enacted pursuant to the authority granted to Town of Prospect under 30-A M.R.S. § 3001 and 30-A M.R.S. § 4356 and, in furtherance thereof, the Select Board hereby declares a moratorium on the siting, permitting, construction and operation of data centers within the Town of Prospect;
2. This Moratorium Ordinance shall take effect immediately upon its adoption by the Select Board and shall remain in effect for one hundred and eighty (180) days from its effective date, unless extended by order of the Select Board or repealed or modified by ordinance, for the express purpose of drafting an ordinance to establish appropriate standards for the siting, permitting, construction and operation of data centers within the Town of Prospect.

3. During the effective period of this Moratorium Ordinance, no official, officer, board or agency of the Town of Prospect shall accept, process, approve, deny or in any other way act upon any application or request for any type of permit or approval relating to the siting, permitting, construction or operation of a new, enlarged or expanded data center within the Town of Prospect.
4. For the purposes of this Moratorium Ordinance, the term "data center" shall mean a structure or facility that (i) primarily contains electronic equipment, such as servers, data storage devices and networking equipment, used to process, store or transmit digital information for one or more entities or users and (ii) has a gross floor area of 5,000 square feet or more or an electrical capacity of 20 megawatts or greater;
5. Notwithstanding 1 M.R.S. § 302, or any law to the contrary, and regardless of the date of its enactment, this moratorium shall apply retroactively to any and all proceedings or applications filed on or after November 4, 2026.
6. If any data center is opened or operated within the Town in violation of this Moratorium Ordinance, such operation shall constitute a violation of this Moratorium Ordinance and each day of such violation shall constitute a separate violation of this Moratorium Ordinance. The Town's officers, officials and employees are hereby authorized to institute any and all rights available to it pursuant to 30-A M.R.S. § 4452, including fines and penalties, injunctive relief, and its reasonable attorneys' fees and costs in prosecuting any such violation; and
7. Any of the Town's ordinances that are inconsistent or in conflict with the provisions of this Moratorium Ordinance are hereby repealed to the extent applicable for the duration of the moratorium imposed by this Moratorium Ordinance. If any section or provision of this Moratorium Ordinance is declared by a court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.