

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

SMY  
11.11.15

Date: 6-11-15

(Filing No. H-393)

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 562,  
L.D. 828, Bill, "An Act To Improve Regulatory Consistency within the Jurisdiction of the  
Maine Land Use Planning Commission"

Amend the amendment by striking out all of section 8 and inserting the following:

'Sec. 8. 35-A MRSA §3453-A is enacted to read:

**§3453-A. Removals from the expedited permitting area**

The Maine Land Use Planning Commission may, by rule adopted in accordance with Title 5, chapter 375, remove a specified place in the unorganized and deorganized areas from the expedited permitting area as described in this section.

**1. Transition process for removal.** The Maine Land Use Planning Commission shall, by rule, remove a specified place in the unorganized and deorganized areas from the expedited permitting area if:

A. The specified place is a township, plantation, municipality or portion thereof that has been identified pursuant to section 3451, subsection 3, paragraph B;

B. The Maine Land Use Planning Commission receives a petition on or before May 31, 2016 requesting the removal of the specified place from the expedited permitting area that:

(1) Clearly states that the persons signing the petition are requesting the removal of the specified place from the expedited permitting area;

(2) Is signed by at least 10% of the number of registered voters residing in the township, plantation, municipality or portion thereof that voted in the most recent gubernatorial election; and

(3) Is on a form consistent with Title 5, section 8055, a form provided by the Maine Land Use Planning Commission or a form otherwise determined to be sufficient for the purposes of this subsection by the Maine Land Use Planning Commission; and

C. The Maine Land Use Planning Commission notifies the owners of the specified place, provides an opportunity for public comment on the petition, conducts a public

1 hearing and then determines that the specified place does not meet the requirements  
2 for additions to the expedited permitting area in section 3453.

3 A petition under this subsection for removal of a specified place from the expedited  
4 permitting area is considered pending if the Maine Land Use Planning Commission has  
5 accepted the petition as complete for processing but has not taken final action on the  
6 proposed rule to remove the specified place from the expedited permitting area.

7 **2. Exceptions.** The following specified places may not be removed from the  
8 expedited permitting area under this section:

9 A. Any specified place within the project boundary of an existing or proposed,  
10 legally permitted expedited wind energy development, unless the development permit  
11 is revoked or withdrawn;

12 B. Any specified place within the project boundary of a proposed expedited wind  
13 energy development, as described in the development permit application, that has  
14 been accepted for processing by the Department of Environmental Protection, unless  
15 the development permit application is denied; and

16 C. Any specified place added by rule to the expedited permitting area in accordance  
17 with section 3453 prior to the effective date of this section.

18 As used in this subsection, "project boundary" means the geographic limits of an existing  
19 or proposed expedited wind energy development, as defined by the deeded geographic  
20 boundaries of the parcel or parcels of land on which the development or portions thereof  
21 are located or proposed to be located.

22 **3. Rulemaking.** The Maine Land Use Planning Commission may adopt rules  
23 implementing this section. Rules adopted pursuant to this section are routine technical  
24 rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted pursuant to  
25 subsection 1 need not meet the requirements of Title 5, section 8053-A or 8060 but must  
26 meet all other applicable requirements in Title 5, chapter 375.'

## 27 SUMMARY

28 This amendment adds a requirement for notice and public hearing on a petition to  
29 remove a specified place from the expedited permitting area and requires the Maine Land  
30 Use Planning Commission to determine whether the specified place meets the existing  
31 requirements for additions to the expedited permitting area. This amendment also reduces  
32 the percentage of resident voters who must sign a petition seeking removal of a specified  
33 place from the expedited permitting area from 50%, as proposed in Committee  
34 Amendment "A," to 10%.

35 SPONSORED BY: Robert J. Saucier

36 (Representative SAUCIER)

37 TOWN: Presque Isle

FISCAL NOTE REQUIRED  
(See Attached)



Approved: 06/10/15 *MCC*

# 127th MAINE LEGISLATURE

LD 828

LR 1175(04)

## An Act To Improve Regulatory Consistency within the Jurisdiction of the Maine Land Use Planning Commission

Fiscal Note for House Amendment *A* to Committee Amendment "A"  
Sponsor: Rep. Saucier of Presque Isle  
Fiscal Note Required: Yes

---

### Fiscal Note

Minor cost increase - General Fund

#### Fiscal Detail and Notes

Any additional costs to the Land Use Planning Commission within the Department of Agriculture, Conservation and Forestry to notify certain owners, provide an opportunity for public comment and conduct a public hearing when it decides to remove a specified place in the unorganized and deorganized areas from the expedited permitting area are expected to be minor and can be absorbed within existing budgeted resources.