

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 744

S. P. 262

In Senate, February 10, 1981

Referred to the Committee on Energy and Natural Resources. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator McBreairsty of Aroostook.

Cosponsors: Senator O'Leary of Oxford and Senator Redmond of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Relating to the Maine Comprehensive Land Use Guidance Plan.

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

Sec. 1. 12 MRSA § 685-A, sub-§ 5, as amended by PL 1973, c. 569, § 10, is further amended by adding at the end a new paragraph to read:

No land use standards may be adopted pursuant to this chapter which have the effect of prohibiting the owner or lessee of any interest in real estate on which any renewable energy resource is located from seeking permits pursuant to section 685-B for the development or utilization thereof. Any such standards in effect as of the date hereof shall expire 90 days after the adjournment of the current session of the Legislature unless approved by resolution of the Legislature. For purposes of this paragraph, "energy resources" includes the following renewable resources: hydroelectric, wood, solar, solid waste, wind, tidal, biomass, peat and geothermal.

Sec. 2. 12 MRSA § 685-A, sub-§ 10, as repealed and replaced by PL 1973, c. 788, § 43-C, is amended by adding at the end the following 2 sentences to read:

In connection with its review of district boundaries and land use standards, but in no event later than January 1, 1982, the commission shall, after public hearing, review and amend, as necessary, the comprehensive land use guidance plan in order to assure that all available energy resources are thoroughly identified and

utilized to the maximum extent possible consistent with sound land use planning and conservation policies. The comprehensive land use plan shall identify obstacles to such development and establish appropriate land use district boundaries and standards which remove such obstacles.

STATEMENT OF FACT

The comprehensive land use plan for the plantations and unorganized townships of the State deals in a very preemptory manner with renewable energy resources and opportunities for and obstacles to development of these resources. This bill would require the Maine Land Use Regulation Commission to examine these resources and revise the comprehensive plan so that the further adoption of land use standards or district boundaries is consistent with energy resources identified in the plan. The bill also takes away the power of the Maine Land Use Regulation Commission to prohibit potential renewable energy development projects from even seeking a permit.