

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1504

S.P. 582

In Senate, December 8, 2009

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**An Act To Require That Expedited Wind Energy Development  
Projects Provide a Tangible Benefit to Maine Ratepayers in the  
Form of Discounts to Future Electric Rates**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 8, 2009. Referred to the Committee on Utilities and Energy pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MILLS of Somerset.

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

2 **Sec. 1. 12 MRSA §685-B, sub-§4-B,** as enacted by PL 2007, c. 661, Pt. C, §4, is  
3 amended to read:

4 **4-B. Special provisions; wind energy development.** In the case of a wind energy  
5 development, ~~as defined in Title 35-A, section 3451, subsection 11,~~ with a generating  
6 capacity greater than 100 kilowatts, the developer must demonstrate, in addition to  
7 requirements under subsection 4, that the proposed generating facilities, ~~as defined in~~  
8 ~~Title 35-A, section 3451, subsection 5:~~

9 A. Will meet the requirements of the Board of Environmental Protection's noise  
10 control rules adopted pursuant to Title 38, chapter 3, subchapter 1, article 6;

11 B. Will be designed and sited to avoid undue adverse shadow flicker effects;

12 C. Will be constructed with setbacks adequate to protect public safety, as provided in  
13 Title 35-A, section 3455. In making findings pursuant to this paragraph, the  
14 commission shall consider the recommendation of a professional, licensed civil  
15 engineer as well as any applicable setback recommended by a manufacturer of the  
16 generating facilities; and

17 ~~D. Will provide significant tangible benefits, as defined in Title 35-A, section 3451,~~  
18 ~~subsection 10, within the State, as provided in Title 35-A, section 3454, if the~~  
19 ~~development is an expedited wind energy development, as defined in Title 35-A,~~  
20 ~~section 3451, subsection 4.~~

21 E. If the development is an expedited wind energy development, will provide  
22 tangible benefits to the State as determined pursuant to Title 35-A, section 3454, one  
23 of which must be that the applicant demonstrate to the primary siting authority that  
24 the proposed generating facility will provide a tangible benefit to ratepayers in the  
25 State in the form of a reduction in long-term electric rates.

26 For purposes of this subsection, "tangible benefits," "generating facility," "primary siting  
27 authority," "wind energy development" and "expedited wind energy development" have  
28 the same meanings as in Title 35-A, section 3451.

29 **Sec. 2. 35-A MRSA §3454,** as enacted by PL 2007, c. 661, Pt. A, §7, is amended  
30 to read:

31 **§3454. Determination of tangible benefits**

32 In making findings pursuant to Title 12, section 685-B, subsection 4 or Title 38,  
33 section 484, subsection 3, the primary siting authority shall presume that an expedited  
34 wind energy development provides energy and emissions-related benefits described in  
35 section 3402 and shall make additional findings regarding other tangible benefits  
36 provided by the development. As provided in Title 12, section 685-B, subsection 4-B,  
37 paragraph E and Title 38, section 484, subsection 10, paragraph D, the primary siting  
38 authority may not approve a proposed expedited wind energy development unless the  
39 applicant demonstrates to the primary siting authority that the proposed generating  
40 facility will provide a tangible benefit to ratepayers in the State in the form of a reduction

1 in long-term electric rates. The Department of Labor, the Executive Department, State  
2 Planning Office and the Public Utilities Commission shall provide review comments if  
3 requested by the primary siting authority.

4 **Sec. 3. 38 MRSA §484, sub-§10, ¶C,** as enacted by PL 2007, c. 661, Pt. B, §12,  
5 is repealed.

6 **Sec. 4. 38 MRSA §484, sub-§10, ¶D** is enacted to read:

7 D. If the development is an expedited wind energy development, will provide  
8 tangible benefits to the State as determined pursuant to Title 35-A, section 3454, one  
9 of which must be that the applicant demonstrate to the primary siting authority that  
10 the proposed generating facility will provide a tangible benefit to ratepayers in the  
11 State in the form of a reduction in long-term electric rates.

12 **SUMMARY**

13 This bill requires that proposals for expedited wind energy development projects  
14 must, in addition to current applicable criteria, demonstrate to the siting authority that the  
15 proposed generating facility will provide a tangible benefit to Maine ratepayers in the  
16 form of a reduction in long-term electric rates.