

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1234

H.P. 925

House of Representatives, March 22, 2011

### **An Act To Restore the Uniform Visual Permitting Standard for Wind Power Projects**

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Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative DUNPHY of Embden.  
Cosponsored by Senator WHITTEMORE of Somerset and  
Representatives: COTTA of China, DAVIS of Sangerville, O'CONNOR of Berwick,  
TIMBERLAKE of Turner, WINTLE of Garland, Senator: MARTIN of Kennebec.

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

2 **Sec. 1. 12 MRSA §685-B, sub-§4, ¶C**, as amended by PL 2009, c. 615, Pt. D,  
3 §4, is further amended to read:

4 C. Adequate provision has been made for fitting the proposal harmoniously into the  
5 existing natural environment in order to ensure there will be no undue adverse effect  
6 on existing uses, ~~scenic character~~ and natural and historic resources in the area likely  
7 to be affected by the proposal. In making a determination under this paragraph  
8 regarding development to facilitate withdrawal of groundwater, the commission shall  
9 consider the effects of the proposed withdrawal on waters of the State, as defined by  
10 Title 38, section 361-A, subsection 7; water-related natural resources; and existing  
11 uses, including, but not limited to, public or private wells, within the anticipated zone  
12 of contribution to the withdrawal. In making findings under this paragraph, the  
13 commission shall consider both the direct effects of the proposed withdrawal and its  
14 effects in combination with existing water withdrawals;

15 ~~In making a determination under this paragraph regarding an expedited wind energy~~  
16 ~~development, as defined in Title 35-A, section 3451, subsection 4, or a community-~~  
17 ~~based offshore wind energy project, the commission shall consider the development's~~  
18 ~~or project's effects on scenic character and existing uses related to scenic character in~~  
19 ~~accordance with Title 35-A, section 3452.~~

20 ~~In making a determination under this paragraph regarding a wind energy~~  
21 ~~development, as defined in Title 35-A, section 3451, subsection 11, that is not a grid-~~  
22 ~~scale wind energy development, that has a generating capacity of 100 kilowatts or~~  
23 ~~greater and that is proposed for location within the expedited permitting area, the~~  
24 ~~commission shall consider the development's or project's effects on scenic character~~  
25 ~~and existing uses relating to scenic character in the manner provided for in Title~~  
26 ~~35-A, section 3452;~~

27 **Sec. 2. 12 MRSA §1868, sub-§1, ¶A**, as enacted by PL 2009, c. 270, Pt. C, §1, is  
28 amended to read:

29 A. Potential adverse effects on a protected natural resource, as defined by Title 38,  
30 section 480-B, subsection 8, ~~or a scenic resource of state or national significance, as~~  
31 ~~defined by Title 35-A, section 3451, subsection 9;~~

32 **Sec. 3. 35-A MRSA §3402, sub-§2, ¶A**, as enacted by PL 2007, c. 661, Pt. A,  
33 §5, is amended to read:

34 A. Making wind energy development a permitted use within certain parts of the  
35 State's unorganized and deorganized areas; and

36 **Sec. 4. 35-A MRSA §3402, sub-§2, ¶B**, as enacted by PL 2007, c. 661, Pt. A,  
37 §5, is amended to read:

38 B. Refining certain procedures of the Department of Environmental Protection and  
39 the Maine Land Use Regulation Commission; ~~and~~

