

MAINE STATE LEGISLATURE

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Date: 6/10/11

L.D. 1366

(Filing No. H-610)

Majority

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1005, L.D. 1366, Bill, "An Act To Update the Maine Wind Energy Act To Include Low-emission Energy"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Clarify the Expectation for the 2012 Assessment of Progress on Meeting Wind Energy Development Goals'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Sec. 1. Expectations for assessment. Resolved: That, when the Governor's Office of Energy Independence and Security, referred to in this resolve as "the office," undertakes its 2011 annual assessment of progress on meeting the wind energy development goals pursuant to Public Law 2007, chapter 661, Part A, section 8, as amended by Public Law 2009, chapter 642, Part A, section 9, it shall consider the following specific issues.

1. In its examination of the experiences from the permitting process, the office shall specifically examine:

A. Whether statewide permitting standards should be applied to wind energy development, including, but not limited to, noise standards, visual standards, setback requirements and decommissioning plans;

B. The criteria used during the permitting process to consider the visual impact of an expedited grid-scale wind energy development, the permits issued and any recommended changes to the criteria, including, but not limited to, changes to the criteria that require the primary siting authorities to consider insignificant the visual impacts greater than 8 miles from a scenic resource of state or national significance as defined in the Maine Revised Statutes, Title 35-A, section 3451, subsection 9;

C. The quality of submitted decommissioning plans and recommendations for mechanisms to provide financial assurance for funding the decommissioning; and

COMMITTEE AMENDMENT

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1 D. The time required for completing the permitting process, including the time
2 required for conducting environmental surveys and preparing and submitting the
3 applications and the associated costs.

4 2. In its examination of the status of this State and each of the other New England
5 states in making progress toward reducing greenhouse gas emissions, the office shall
6 specifically evaluate the accuracy of the estimates generated by state agencies and wind
7 energy developers for greenhouse gas reductions that are a result of wind energy
8 development in this State and make recommendations for a standardized protocol, if
9 necessary.

10 3. In developing its recommendations regarding the wind energy development goals
11 established in Title 35-A, section 3404, subsection 2, the office shall consider the number
12 of wind turbines necessary to meet the goals, market conditions, development trends,
13 emissions goals, siting policies, cumulative impacts and other factors that may indicate it
14 is necessary to amend the wind energy development goals.

15 4. In developing its recommendations regarding identification of places within the
16 State's unorganized and deorganized areas for inclusion in the expedited permitting area
17 established pursuant to Title 35-A, chapter 34-A, the office shall also consider whether
18 places should be removed from the expedited permitting area, including, but not limited
19 to, mountain area protection subdistricts, as described by the Department of
20 Conservation, Maine Land Use Regulation Commission Rule Chapter 10.

21 Notwithstanding Public Law 2007, chapter 661, Part A, section 8, as amended by
22 Public Law 2009, chapter 642, Part A, section 9, the assessment submitted in 2012 is due
23 February 1, 2012. Following receipt and review of the report, the Joint Standing
24 Committee on Energy, Utilities and Technology may submit a bill to the Second Regular
25 Session of the 125th Legislature; and be it further

26 **Sec. 2. Additional considerations. Resolved:** That, to the extent resources are
27 available, the office shall include the following in the annual assessment of progress on
28 meeting the wind energy development goals pursuant to Public Law 2007, chapter 661,
29 Part A, section 8, as amended by Public Law 2009, chapter 642, Part A, section 9, in the
30 assessment submitted in 2012:

31 1. Recommendations for the method by which permitting authorities should consider
32 the cumulative impact on natural resources at the state or regional level, including but not
33 limited to mountain areas and to scenic resources of state or national significance as
34 defined in the Maine Revised Statutes, Title 35-A, section 3451, subsection 9;

35 2. The economic effects of wind energy development on the tourism industry, to the
36 extent data are available;

37 3. In collaboration with the Office of the Public Advocate, an evaluation of the costs
38 associated with transmission upgrades for the purpose of transmitting wind energy; and

39 4. The implications of the intermittency of wind power for regional markets and the
40 grid, including capacity charges, the forward capacity market and electricity price
41 volatility; and be it further

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Sec. 3. Use of existing data and stakeholder input. Resolved: That, when completing the assessments under sections 1 and 2, the office and the Office of the Public Advocate may draw on existing state data and studies rather than new analyses, including, but not limited to, those developed for the New England Wind Integration Study published by ISO New England in December 2010, the state climate action plan pursuant to the Maine Revised Statutes, Title 38, section 577 and progress evaluation in Title 38, section 578, the State of Maine Comprehensive Energy Plan 2008-2009 and any reports from the Department of Economic and Community Development, as well as on analyses by the Federal Government, nonprofit organizations and other parties. The office and the Office of the Public Advocate may also draw on input from stakeholders and interested parties to complete the assessments; and be it further

Sec. 4. Health effects. Resolved: That, to the extent that resources are available, the Department of Health and Human Services, Maine Center for Disease Control and Prevention shall conduct an analysis of the research on health effects from wind turbines, including effects from noise, and provide a report to the Joint Standing Committee on Energy, Utilities and Technology by February 1, 2012. The report must include recommendations for making the information in the report easily accessible to the public.'

SUMMARY

This amendment is the majority report of the committee. It strikes the bill, including the emergency preamble and clause, and replaces it with a resolve. This amendment sets out the information that the Joint Standing Committee on Energy, Utilities and Technology expects to receive in 2012 as part of the Governor's Office of Energy Independence and Security's annual assessment of progress on meeting the wind energy development goals and authorizes the committee to submit a bill to the Second Regular Session of the 125th Legislature following the receipt and review of the assessment. It also requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to conduct an analysis of the research on health effects from wind turbines, including effects from noise.

FISCAL NOTE REQUIRED

(See attached)



Approved: 06/04/11 *mac*

125th MAINE LEGISLATURE

LD 1366

LR 1637(02)

An Act To Update the Maine Wind Energy Act To Include Low-emission Energy

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Energy, Utilities and Technology

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any costs associated with the additional criteria set forth in this bill for the annual assessment by the Governor's Office of Energy Independence and Security (OEIS) on the progress of the state related to meeting wind energy development goals and the consultation between the OEIS and the Office of the Public Advocate regarding wind energy development goals can be absorbed within existing budgeted resources.