

# MAINE STATE LEGISLATURE

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Report A

5/21/13  
RONS  
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Date: 6/17/13

Report A

L.D. 616  
(Filing No. H-527)

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**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 435, L.D. 616, Bill, "An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission"

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

**Sec. 1. 35-A MRSA §3453-A** is enacted to read:

**§3453-A. Removal of areas from the expedited permitting area**

The Maine Land Use Planning Commission shall adopt rules governing the removal of a specific location in the State's unorganized or deorganized areas from the expedited permitting area in accordance with this section.

1. Requirements. Rules adopted under this section must include, but are not limited to, provisions that:

- A. Establish a process for requesting the removal of a specific location from the expedited permitting area;
- B. Assess the preference of the majority of persons living in the specific location proposed for removal and incorporate consideration of that preference into the criteria developed pursuant to paragraph H;
- C. Establish criteria to determine if a person lives in the specific location proposed for removal;
- D. Establish the criteria for determining the boundaries of a specific location;
- E. Require that before the removal of a specific location from the expedited permitting area a public meeting be held at which residents and landowners within the specific location and other persons are permitted to speak;
- F. Require adequate public notice of the public meeting to those residents and landowners within the specific location;

**COMMITTEE AMENDMENT**

R O F S

1 G. Establish the process by which the Maine Land Use Planning Commission will  
2 make its decision regarding the removal of a specific location from the expedited  
3 permitting area; and

4 H. Establish criteria to be considered by the Maine Land Use Planning Commission  
5 when determining whether a specific location will be removed from the expedited  
6 permitting area.

7 **2. Exception.** Notwithstanding Title 5, chapter 375, the Maine Land Use Planning  
8 Commission may by rule establish appropriate time frames for processing a request for a  
9 specific location to be removed from the expedited permitting area.

10 **3. Limitation.** The Maine Land Use Planning Commission may not accept a request  
11 to remove a specific location from the expedited permitting area after 2 years following  
12 the first time the rules under this section are finally adopted. This subsection does not  
13 limit the time frames established by the commission under subsection 2 for the processing  
14 of a request filed within the allowable 2-year period.

15 Rules adopted under this section to establish the procedure and review criteria for  
16 removing a specific location from the expedited permitting area are major substantive  
17 rules pursuant to Title 5, chapter 375, subchapter 2-A; subsequent rules adopted under  
18 this section to remove specific locations from the expedited permitting area are routine  
19 technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

20 **Sec. 2. PL 2007, c. 661, Pt. C, §6, first paragraph** is amended to read:

21 **Sec. C-6. Expedited permitting area designation; permitted use.** No later  
22 than September 1, 2008, the Maine Land Use ~~Regulation~~ Planning Commission shall  
23 adopt a rule listing the following specific places within the State's unorganized and  
24 deorganized areas, which comprise the expedited permitting area for purposes of this Act,  
25 except that the commission may subsequently add additional or remove areas ~~to this list~~  
26 by rule in the manner provided by this Act in accordance with the Maine Revised  
27 Statutes, Title 35-A, chapter 34-A:

28 **Sec. 3. Rulemaking.** The Maine Land Use Planning Commission must submit the  
29 provisionally adopted rules required pursuant to this Act to the Second Regular Session  
30 of the 126th Legislature for review by the Joint Standing Committee on Energy, Utilities  
31 and Technology.

32 **Sec. 4. Transition.** A person, referred to in this section as "lead petitioner,"  
33 representing one of the following specific locations: Carrying Place Twp., 25860;  
34 Concord Twp., 25818; Highland Plt., 25150; Lexington Twp., 25831; and Pleasant Ridge  
35 Plt., 25250 may submit not later than January 15, 2014 a letter of intent to the Maine  
36 Land Use Planning Commission and the Department of Environmental Protection for a  
37 township or plantation under this section to be removed from the expedited permitting  
38 area in its entirety. The Department of Environmental Protection may only accept  
39 submission of an application for a permit for an expedited wind energy development as  
40 defined in the Maine Revised Statutes, Title 35-A, section 3451, subsection 4 in the  
41 township or plantation identified in the letter of intent as follows.

42 **1. Submission of petition.** If, within 60 days of the submission of a letter of intent  
43 for a township or plantation to be removed from the expedited permitting area, a lead

**R.O.F.S**

1 petitioner collects a number of signatures from registered voters within that township or  
2 plantation supporting the removal from the expedited permitting area that represents a  
3 majority of the registered voters in that township or plantation at the time the petition is  
4 circulated and submits the petition to the Maine Land Use Planning Commission, the  
5 Department of Environmental Protection may not accept submission of an application for  
6 a permit for an expedited wind energy development in that township or plantation.

7 **2. Submission of request for removal.** If, within 90 days after final adoption of the  
8 rules under Title 35-A, section 3453-A, a lead petitioner submits a request in accordance  
9 with those rules for removal of a township or plantation from the expedited permitting  
10 area, the Department of Environmental Protection may not accept submission of an  
11 application for a permit for an expedited wind energy development in that township or  
12 plantation until the Maine Land Use Planning Commission takes final action on the  
13 request for removal of that township or plantation in the manner established in the rules  
14 adopted under Title 35-A, section 3453-A.

15 The Department of Environmental Protection may accept submission of an  
16 application for a permit for an expedited wind energy development as defined in Title  
17 35-A, section 3451, subsection 4 in the township or plantation identified in the letter of  
18 intent if the conditions of subsection 1 and subsection 2 are not met or if the Maine Land  
19 Use Planning Commission rejects in accordance with the rules established under Title  
20 35-A, section 3453-A the request for the removal of the township or plantation from the  
21 expedited permitting area.

22 **Sec. 5. Appropriations and allocations.** The following appropriations and  
23 allocations are made.

24 **CONSERVATION, DEPARTMENT OF**  
25 **Land Use Planning Commission 0236**

26 Initiative: Provides funding for one limited period half-time Senior Planner position to  
27 process requests for removal of locations from the expedited permitting area.

28	<b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
29	Personal Services	\$36,899	\$39,254
30			
31	<b>GENERAL FUND TOTAL</b>	<u>\$36,899</u>	<u>\$39,254</u>

32 **Land Use Planning Commission 0236**

33 Initiative: Provides one-time funding for rule-making costs including room rental,  
34 mileage, advertising and legal review by the Attorney General's Office.

35	<b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
36	All Other	\$10,301	\$0
37			
38	<b>GENERAL FUND TOTAL</b>	<u>\$10,301</u>	<u>\$0</u>

**COMMITTEE AMENDMENT**

**R O F S**

1	<b>CONSERVATION, DEPARTMENT OF</b>		
2	<b>DEPARTMENT TOTALS</b>	<b>2013-14</b>	<b>2014-15</b>
3			
4	<b>GENERAL FUND</b>	<b>\$47,200</b>	<b>\$39,254</b>
5			
6	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$47,200</b>	<b>\$39,254</b>
7			

8 **SUMMARY**

9 This amendment, which is the majority report of the committee, requires the Maine  
10 Land Use Planning Commission to adopt major substantive rules to establish a process to  
11 remove a specific location from the expedited permitting area for certain wind energy  
12 development under the Maine Revised Statutes, Title 35-A, chapter 34-A. This  
13 amendment prohibits the Department of Environmental Protection from accepting an  
14 application for a permit for an expedited wind energy development under certain  
15 circumstances in Carrying Place Township, Concord Township, Highland Plantation,  
16 Lexington Township and Pleasant Ridge Plantation until after the process for removal of  
17 a specified place from the expedited permitting area is established by the Maine Land Use  
18 Planning Commission. The amendment adds an appropriations and allocations section.

19 **FISCAL NOTE REQUIRED**

20 (See attached)

**COMMITTEE AMENDMENT**



# 126th MAINE LEGISLATURE

LD 616

LR 1088(02)

An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-527)

Committee: Energy, Utilities and Technology

Fiscal Note Required: Yes

## Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
<b>Net Cost (Savings)</b>				
General Fund	\$47,200	\$39,254	\$39,254	\$39,254
<b>Appropriations/Allocations</b>				
General Fund	\$47,200	\$39,254	\$39,254	\$39,254

### Fiscal Detail and Notes

The bill includes a General Fund appropriation of \$47,200 in fiscal year 2013-14 and \$39,254 in fiscal year 2014-15 for one limited period one-half time Senior Planner position to process requests for removal of locations from the expedited permitting area. The department anticipates the position would be needed for 3 to 4 years. \$10,301 of the 2013-14 appropriation is one-time funding for rulemaking costs including room rental, mileage, advertising and legal review by the Attorney General's Office.