

MAINE STATE LEGISLATURE

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Report B

L.D. 616

Date: 6/17/13

Report B

(Filing No. H-528)

ENERGY, UTILITIES AND TECHNOLOGY

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

COMMITTEE AMENDMENT "B" 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 MRS §3453-A is enacted to read:

§3453-A. Removal of specific locations from the expedited permitting area

The Maine Land Use Planning Commission may remove specific locations from the expedited permitting area in accordance with this section and rules adopted by the Maine Land Use Planning Commission. Rules adopted under this section must include, but are not limited to, provisions that:

1. Process. Establish a process to demonstrate that the removal of the specific location is supported by the registered voters within the specific location. The process must include:

A. A public hearing at which supporters and opponents are permitted to speak. Speakers at the public hearing are not required to be residents of the specific location; and

B. A petition process that requires that the petition:

(1) Clearly state the boundaries of the specific location being proposed for removal;

(2) Clearly state that those signing the petition are in support of the removal of the specific location from the expedited permitting area;

(3) Be signed by a number of registered voters within the specific location equal to or greater than 50% of the registered voters within the specific location that voted in the most recent gubernatorial election; and

COMMITTEE AMENDMENT

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1 (4) List the reasons why removal from the expedited permitting area is being
2 sought, including the specific need for the specific location to undergo the
3 process for reclassification of a land use district under Title 12, section 685-A
4 that may occur as part of the standard permitting process; and

5 2. Limitation. Limit the removal of a specific location to those portions of a
6 township or plantation:

7 A. With respect to which the Maine Land Use Planning Commission determines that
8 the specific need under subsection 1, paragraph B cannot be met through the
9 expedited permitting process;

10 B. That are adjacent to other locations that are not within the expedited permitting
11 area; and

12 C. That can be removed from the expedited permitting area without compromising
13 fulfillment of the State's policy regarding wind energy pursuant to section 3404,
14 subsection 1.

15 Rules adopted under this section to establish the process for removing a specific
16 location from the expedited permitting area are major substantive rules pursuant to Title
17 5, chapter 375, subchapter 2-A.

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

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

26 **Sec. 3. Appropriations and allocations.** The following appropriations and
27 allocations are made.

28 **CONSERVATION, DEPARTMENT OF**

29 **Land Use Planning Commission 0236**

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

32	GENERAL FUND	2013-14	2014-15
33	All Other	\$10,301	\$0
34			
35	GENERAL FUND TOTAL	<u>\$10,301</u>	<u>\$0</u>

36 **Land Use Planning Commission 0236**

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

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COMMITTEE AMENDMENT "**B**" to H.P. 435, L.D. 616

1	GENERAL FUND	2013-14	2014-15
2	Personal Services	\$18,449	\$19,627
3			
4	GENERAL FUND TOTAL	<u>\$18,449</u>	<u>\$19,627</u>
5	CONSERVATION, DEPARTMENT OF		
6	DEPARTMENT TOTALS	2013-14	2014-15
7			
8	GENERAL FUND	\$28,750	\$19,627
9			
10	DEPARTMENT TOTAL - ALL FUNDS	<u>\$28,750</u>	<u>\$19,627</u>
11			

12 **SUMMARY**

13 This amendment, which is the minority report of the committee, replaces the bill. It
14 requires the Maine Land Use Planning Commission to adopt major substantive rules to
15 establish a process to remove a specific location from the expedited permitting area for
16 certain wind energy development under the Maine Revised Statutes, Title 35-A, chapter
17 34-A. It specifies that the process must include a petition and limits the removal to places
18 that are adjacent to locations that are not within the expedited permitting area and
19 requires that the removal of the place not compromise the fulfillment of the State's wind
20 energy policies. The amendment also adds an appropriations and allocations section.

21 **FISCAL NOTE REQUIRED**
22 (See attached)

COMMITTEE AMENDMENT



126th MAINE LEGISLATURE

LD 616

LR 1088(03)

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

B (H-528)

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
Net Cost (Savings)				
General Fund	\$28,750	\$19,627	\$19,627	\$19,627
Appropriations/Allocations				
General Fund	\$28,750	\$19,627	\$19,627	\$19,627

Fiscal Detail and Notes

The bill includes a General Fund appropriation of \$28,750 in fiscal year 2013-14 and \$19,627 in fiscal year 2014-15 for one limited period one-quarter 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.