

MAINE STATE LEGISLATURE

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L.D. 1323

Date: 6/18/13 Minority (Filing No. H-549)

ENVIRONMENT AND NATURAL RESOURCES

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

COMMITTEE AMENDMENT "A" to H.P. 947, L.D. 1323, Bill, "An Act Regarding Wind Power Siting in the Unorganized Territory"

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

Sec. 1. 12 MRSA §685-B, sub-§2-C, ¶A, as repealed and replaced by PL 2011, c. 682, §17, is repealed.

Sec. 2. 35-A MRSA §3402, sub-§2, as enacted by PL 2007, c. 661, Pt. A, §5 and amended by PL 2011, c. 682, §38, is further amended to read:

2. Need for modification of regulatory process for siting wind energy developments. The Legislature finds that it is in the public interest to reduce the potential for controversy regarding siting of grid-scale wind energy development by expediting development in places where it is most compatible with existing patterns of development and resource values when considered broadly at the landscape level. Accordingly, the Legislature finds that certain aspects of the State's regulatory process for determining the environmental acceptability of wind energy developments should be modified to encourage the siting of wind energy developments in these areas. Such changes include, but are not limited to:

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

B. Refining certain procedures of the Department of Environmental Protection and the Maine Land Use Planning Commission; and

C. Because the Legislature recognizes that wind turbines are potentially a highly visible feature of the landscape that will have an impact on views, judging the effects of wind energy development on scenic character and existing uses related to scenic character based on whether the development significantly compromises views from a scenic resource of state or national significance such that the development has an unreasonable adverse effect on the scenic character or existing uses related to the scenic character of that resource.

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1 The Legislature further finds that, while wind energy may be developed at many sites
 2 with minimal site-specific environmental impacts, wind energy developments may have,
 3 in addition to their beneficial environmental effects and potential scenic impacts, specific
 4 adverse environmental effects that must be addressed in state permitting decisions
 5 pursuant to approval criteria tailored to address issues presented by wind energy
 6 development. Nothing in this section is meant to diminish the importance of addressing
 7 as appropriate site-specific impacts on natural values, including, but not limited to,
 8 wildlife, wildlife habitats and other ecological values.

9 The Legislature further finds that development of the State's wind energy resources
 10 should be undertaken in a manner that ensures significant tangible benefits to the people
 11 of the State, including, but not limited to, residents of communities that host wind energy
 12 facilities; and that the State should seek to host a substantial amount of wind energy as
 13 part of a strategy to reduce greenhouse gas emissions and meet the goals established in
 14 the state climate action plan developed pursuant to Title 38, section 577.

15 The Legislature further finds that careful consideration should be undertaken to ensure
 16 that wind energy development is sited in the areas in the unorganized and deorganized
 17 areas of the State where wind energy development is most appropriately designated as an
 18 allowed use by the Maine Land Use Planning Commission.

19 **Sec. 3. PL 2007, c. 661, Pt. C, §6, sub-§4**, as amended by PL 2009, c. 415, Pt.
 20 D, §2, is repealed.

21 **Sec. 4. Rules.** The Department of Agriculture, Conservation and Forestry, Maine
 22 Land Use Planning Commission shall amend its rules to make necessary changes to the
 23 uses allowed within a district or subdistrict to be consistent with the Maine Revised
 24 Statutes, Title 12, chapter 206-A and Title 35-A, section 3402, subsection 2. Rules
 25 adopted pursuant to this section are routine technical rules as defined in Title 5, chapter
 26 375, subchapter 2-A.

27 **Sec. 5. Appropriations and allocations.** The following appropriations and
 28 allocations are made.

29 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**
 30 **Land Use Planning Commission 0236**

31 Initiative: Provides one-time funding for rulemaking.

32	GENERAL FUND	2013-14	2014-15
33	All Other	\$2,500	\$0
34			
35	GENERAL FUND TOTAL	<u>\$2,500</u>	<u>\$0</u>

36 **Sec. 6. Effective date.** This Act takes effect January 1, 2015.'

37 **SUMMARY**

38 This amendment is the minority report of the committee and replaces the bill. It
 39 repeals the provision of law specifying that an expedited wind energy development is a

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1 use requiring a permit but not a special exception. It repeals the requirement that the
2 Department of Agriculture, Conservation and Forestry, Maine Land Use Planning
3 Commission make expedited wind energy development a use allowed with a permit in
4 expedited permitting areas. The effect of the repeals is to require that, in order for a wind
5 energy development in the unorganized or deorganized area of the State to receive a
6 permit from the Department of Environmental Protection or the Maine Land Use
7 Planning Commission, the development must be located in a subdistrict in which it is an
8 allowed use. It also replaces a legislative finding regarding wind energy development in
9 the unorganized and deorganized areas of the State and requires the Maine Land Use
10 Planning Commission to amend its rules regarding allowed uses.

11 This amendment adds an appropriations and allocations section.

12 **FISCAL NOTE REQUIRED**

13 **(See attached)**

COMMITTEE AMENDMENT



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LD 1323

LR 1364(02)

An Act Regarding Wind Power Siting in the Unorganized Territory

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-549)

Committee: Environment and Natural Resources

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	\$2,500	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$2,500	\$0	\$0	\$0

Fiscal Detail and Notes

The bill includes a one-time General Fund appropriation of \$2,500 in fiscal year 2013-14 to the Department of Agriculture, Conservation and Forestry for rulemaking, including printing, advertising and room rental.