

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1323

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H.P. 947

House of Representatives, April 3, 2013

### An Act Regarding Wind Power Siting in the Unorganized Territory

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Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative HAYES of Buckfield.  
Cosponsored by Representative CROCKETT of Bethel and  
Representatives: BRIGGS of Mexico, DUNPHY of Embden, HARLOW of Portland,  
HARVELL of Farmington, LIBBY of Waterboro, MALABY of Hancock, McCABE of  
Skowhegan, NEWENDYKE of Litchfield.

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

2 **Sec. 1. 35-A MRSA §3402, sub-§2, ¶A,** as enacted by PL 2007, c. 661, Pt. A,  
3 §5, is repealed.

4 **Sec. 2. 38 MRSA §489-A-1, sub-§2, ¶¶C and D,** as enacted by PL 2011, c.  
5 682, §33 and affected by §40, are amended to read:

6 C. The standards established in rules adopted under section 489-E to implement this  
7 section are met; ~~and~~

8 D. The Maine Land Use Planning Commission has certified that the proposed  
9 development meets any land use standard established by the commission and  
10 applicable to the project that is not considered in the department's review under  
11 subsection 1-; and

12 **Sec. 3. 38 MRSA §489-A-1, sub-§2, ¶E** is enacted to read:

13 E. With regard to a grid-scale wind energy development, the Maine Land Use  
14 Planning Commission has certified that the area where the proposed development  
15 will be located has been zoned for planned development.

16 **Sec. 4. Rules.** By January 1, 2014, the Maine Land Use Planning Commission  
17 shall adopt a rule amending its land use districts and standards to provide that a grid-scale  
18 wind energy development proposed after January 1, 2014 is an allowable use only within  
19 a planned development subdistrict and adopting any necessary procedures for processing  
20 rezoning applications required under this section.

21 **SUMMARY**

22 This bill provides that before the Department of Environmental Protection may  
23 approve a proposal for a grid-scale wind energy development in the unorganized or  
24 deorganized area of the State, the Maine Land Use Planning Commission must certify  
25 that the area where the development will be located has been zoned for planned  
26 development and removes a legislative finding regarding wind energy development in the  
27 unorganized and deorganized areas of the State.