

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 791

H.P. 540

House of Representatives, March 10, 2015

An Act To Amend the Laws Governing Wind Energy Development Permitting

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GIDEON of Freeport.
Cosponsored by Senator HILL of York and
Representatives: KRUGER of Thomaston, MARTIN of Sinclair, McCABE of Skowhegan,
POULIOT of Augusta, RYKERSON of Kittery, SAUCIER of Presque Isle, TIPPING-SPITZ
of Orono, Senator: CUSHING of Penobscot.

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

2 **Sec. 1. 12 MRSA §685-A, sub-§13**, as enacted by PL 2007, c. 661, Pt. C, §1, is
3 amended to read:

4 **13. Additions to designated wind energy permitting area for wind energy**
5 **development.** The commission may add areas in the State's unorganized and
6 deorganized areas to the ~~expedited~~ designated wind energy permitting area for wind
7 energy development in accordance with Title 35-A, section ~~3453~~ 3453-A.

8 **Sec. 2. 35-A MRSA §3453**, as enacted by PL 2007, c. 661, Pt. A, §7 and amended
9 by PL 2011, c. 682, §38, is repealed.

10 **Sec. 3. 35-A MRSA §§3453-A and 3453-B** are enacted to read:

11 **§3453-A. Addition of specific locations to the designated wind energy permitting**
12 **area**

13 The Maine Land Use Planning Commission may, by rule, add a specified place to the
14 designated wind energy permitting area in accordance with this section and rules adopted
15 by the Maine Land Use Planning Commission pursuant to this section. In order to add a
16 specified place to the designated wind energy permitting area, the Maine Land Use
17 Planning Commission must receive a petition that contains the written consent of the
18 owner or owners of the land proposed for addition.

19 Rules adopted under this section are major substantive rules as defined in Title 5,
20 chapter 375, subchapter 2-A.

21 **§3453-B. Removal of specific locations from the designated wind energy permitting**
22 **area**

23 The Maine Land Use Planning Commission may, by rule, remove a specified place
24 from the designated wind energy permitting area in accordance with this section and rules
25 adopted by the Maine Land Use Planning Commission pursuant to this section. In order
26 to remove a specified place from the designated wind energy permitting area, the Maine
27 Land Use Planning Commission must receive a petition that contains the written consent
28 of the owner or owners of the land proposed for removal.

29 Rules adopted under this section are major substantive rules as defined in Title 5,
30 chapter 375, subchapter 2-A.

31 **Sec. 4. Maine Revised Statutes headnote amended; revision clause.** In the
32 Maine Revised Statutes, Title 35-A, chapter 34-A, in the chapter headnote, the words
33 "expedited permitting of grid-scale wind energy development" are amended to read
34 "permitting of grid-scale wind energy development," and the Revisor of Statutes shall
35 implement this revision when updating, publishing or republishing the statutes.

36 **Sec. 5. Maine Revised Statutes amended; revision clause.** Wherever in the
37 Maine Revised Statutes the words "expedited permitting area" appear, they are amended

1 to read "designated wind energy permitting area," and the Revisor of Statutes shall
2 implement this revision when updating, publishing or republishing the statutes.

3 **Sec. 6. Maine Revised Statutes amended; revision clause.** Wherever in the
4 Maine Revised Statutes the words "expedited wind energy development" appear, they are
5 amended to read "designated wind energy development," and the Revisor of Statutes shall
6 implement this revision when updating, publishing or republishing the statutes.

7 **SUMMARY**

8 This bill amends the laws governing the expedited permitting of grid-scale wind
9 energy development by changing the terms "expedited permitting area" and "expedited
10 wind energy development" to "designated wind energy permitting area" and "designated
11 wind energy development," respectively. The bill authorizes the Department of
12 Agriculture, Conservation and Forestry, Maine Land Use Planning Commission to add
13 specified places to or remove specified places from the designated wind energy
14 permitting area only if the commission receives the written consent of the owner or
15 owners of the land proposed for addition or removal. It also repeals the current provision
16 of law governing additions to the area.