

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES
AND TECHNOLOGY**

July 2011

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Energy, Utilities and Technology

development, where appropriate, of solar energy production in the State. This includes finding that solar energy development makes a significant contribution to the general welfare of the citizens of the State and that there is a need for modification of the regulatory process for siting solar energy developments;

2. Requires the Public Utilities Commission to take specific measures to support solar energy, including monitoring electricity markets, taking legal action to protect access to markets by solar power facilities located in the State and certifying a person as a community solar power generator; and
3. Encourages solar energy-related development and establishes state solar energy generation goals.

LD 1362 An Act To Ensure Accurate Valuation of a Community Benefits Package for Communities That Host Wind Energy Developments ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY WHITTEMORE	ONTP	

This bill adds the requirement that the valuation of the community benefits package for communities that host wind energy developments account for losses such as decreases in property value and business losses. The bill also requires the community benefits package to include a financial assurance that it will be paid if there is a default.

The committee considered 14 bills related to wind energy development during the First Regular Session of the 125th legislature. The committee voted all of the wind energy bills, except LD 1366, An Act to Update the Maine Wind Energy Act to Include Low-emission Energy, ought-not-to-pass. The committee amendment to LD 1366 was used as a vehicle to address many of the wind energy issues brought forward in the other bills.

LD 1366 Resolve, To Clarify the Expectation for the 2012 Assessment of Progress on Meeting Wind Energy Development Goals RESOLVE 93

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIFFORD	OTP-AM MAJ OTP-AM MIN	H-610

This bill amends the Maine Wind Energy Act and the laws regarding expedited siting of grid-scale energy development to include low-emission energy, which is defined as energy derived from an electric generation source from which harmful emissions fall below emission levels from coal-fired or oil-fired electric generation sources. The bill also:

1. Amends the legislative findings to recognize low-emission energy and the detrimental effects of wind turbines on the environment and potentially on ratepayers;
2. Prohibits the Public Utilities Commission from requiring a transmission and distribution utility to purchase or sell electricity from a wind energy or other electric generation facility;
3. Changes the state goals for wind energy generation;
4. Amends the community benefits package provisions to:

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- A. Increase the amount an applicant for an expedited wind energy development is required to establish in a community benefits package from no less than \$4,000 to no less than \$8,000 per year per wind turbine;
 - B. Require the community benefits package to be approved by the legislative body of the host community;
 - C. Give the community benefits package a lien that has priority over all other liens; and
 - D. Change the exemption from the community benefits package requirement to apply to an expedited wind energy development that has an installed capacity of less than 4 megawatts instead of the current exemption of less than 20 megawatts;
5. Repeals the direct appeal to the Supreme Judicial Court of final action by the board or commissioner regarding an application for an expedited wind energy development;
6. Increases the maximum fee for processing an application that may be charged by the Department of Environmental Protection from \$250,000 to \$1,000,000; and
7. Requires the Department of Conservation, Maine Land Use Regulation Commission to amend its rules to prohibit the issuance or allowance of a permit for grid-scale wind power development in a mountain area protection subdistrict.

This bill was originally titled "An Act to Update the Maine Wind Energy Act to Include Low-emission Energy."

Committee Amendment "A" (H-610)

This amendment is the majority report of the committee. It strikes the bill, including the emergency preamble and clause, and replaces it with a resolve. This amendment sets out the information that the Joint Standing Committee on Energy, Utilities and Technology expects to receive in 2012 as part of the Governor's Office of Energy Independence and Security's annual assessment of progress on meeting the wind energy development goals and authorizes the committee to submit a bill to the Second Regular Session of the 125th Legislature following the receipt and review of the assessment. It also requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to conduct an analysis of the research on health effects from wind turbines, including effects from noise.

Committee Amendment "B" (H-611)

This amendment is the minority report of the committee. It strikes the bill, amends setback requirements for wind energy permitting requirements to make the setbacks at least 1.5 miles from the base of a wind turbine. This amendment sets out the information that the Joint Standing Committee on Energy, Utilities and Technology expects to receive in 2012 as part of the Governor's Office of Energy Independence and Security's annual assessment of progress on meeting the wind energy development goals. This amendment was not adopted.

Enacted Law Summary

Resolve 2011, chapter 93 sets out the information that the Joint Standing Committee on Energy, Utilities and Technology expects to receive in 2012 as part of the Governor's Office of Energy Independence and Security's annual assessment of progress on meeting the wind energy development goals and authorizes the committee to submit a bill to the Second Regular Session of the 125th Legislature following the receipt and review of the assessment. It also requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to conduct an analysis of the research on health effects from wind turbines, including effects from noise.