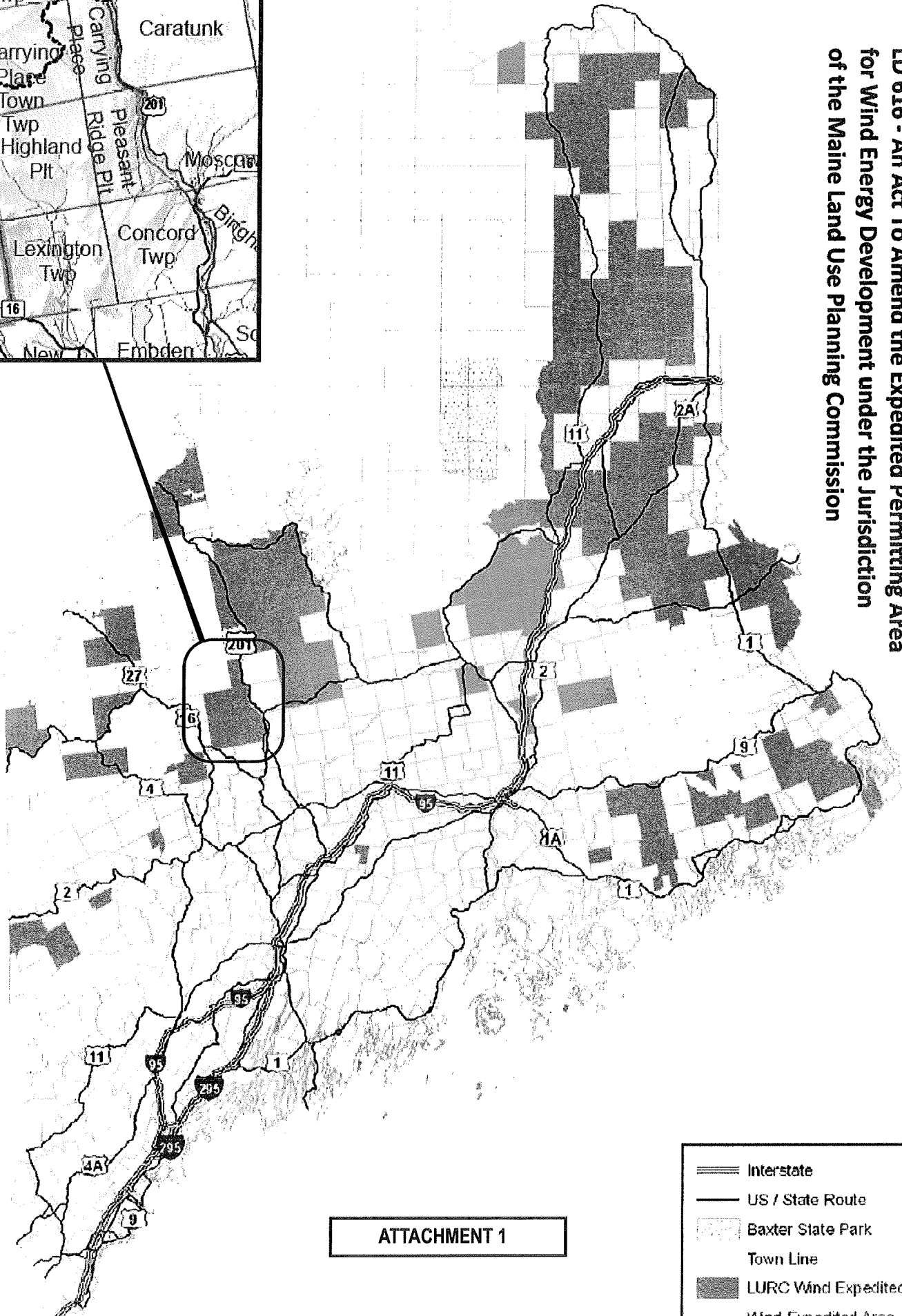


**LD 616 - An Act To Amend the Expedited Permitting Area
for Wind Energy Development under the Jurisdiction
of the Maine Land Use Planning Commission**



ATTACHMENT 1

	Interstate
	US / State Route
	Baxter State Park
	Town Line
	LURC Wind Expedited Area
	Wind Expedited Area

Alan Michka - Testimony in support of:
**LD 616 An Act To Amend the Expedited Permitting Area for Wind Energy
Development under the Jurisdiction of the Maine Land Use Planning Commission**

Good afternoon Senator Cleveland, Representative Hobbins, and honorable members of the Energy, Utilities and Technology Committee.

My name is Alan Michka. I'm a resident of Lexington Township.

I'm here today testifying in favor of LD 616, a bill to remove three Somerset County townships, including my own, and two plantations, from the State's Expedited Permitting Area. (ATTACHMENT 1)

The residents in our communities have demonstrated an overwhelming desire to restore our full complement of rights to participate in the discussion and decisions related to changes that might directly, and materially, affect our homes, our families, our investments and our quality of life. We're not asking for anything new or unusual. We're asking only for the return of the rights that were taken from us in 2008.

Most anyone in this room who's not from one of these five communities probably takes for granted the right they have to weigh in on significant changes proposed for the place they've chosen to live. Most of us assume that the opportunity to speak up will always be there, because, this is America after all. In other parts of the world, your expectations might be different. But, we're talking today about a basic right we have in this country, something that, in all honesty, I've always taken for granted, and I think many others do, too - until it's gone.

We all know that change is inevitable, but the very basic right to comment on changes that affect you should also be inevitable; to air your concerns, and maybe, as a community, decide that some changes are in your best interest - and some are not - which means that while change is inevitable, not *all* changes are inevitable. The vast majority of Mainers - over 99% - enjoy this simple, basic, and unabridged right to speak up in advocacy of themselves or their community, whatever their opinions. That sounds pretty good, until you realize that prior to 2008, the figure was greater than 99%. Prior to 2008, *every* person in Maine had that right.

The emergency enactment of Expedited Wind Permitting in 2008 abridged the rights of a discrete segment of Maine's population when it placed their UT communities into a newly formed zone, the Expedited Permitting Area. Within that Area, the Legislature altered the regulatory process in an effort to promote rapid wind energy development, most of which takes place in the State's most rural areas. One of the things it did in these UT locations was, in a single stroke, make grid-scale wind energy a form of industrial development that does not require specific and appropriate zoning. Prior to this change, wind energy development required specific rezoning in *all* of the unorganized areas. And it still does today in about two thirds of the Land Use Planning Commission's jurisdiction.

Mainers in organized towns, all of which were placed in the Expedited Permitting Area, still have their traditional home rule rights. A number of Maine towns have exercised those rights with regard to specific wind power siting issues by enacting their own local siting

ordinances. Our neighbors in the other two-thirds of the UTs, those NOT in the Expedited Area, still have their rights. They can weigh in on wind power related land use changes in public hearings that would be held to consider the required zoning changes. But, in our communities, the story is different.

It's notable that the curtailment of our rights was carried out with no reasonable opportunity for us to comment or participate in any meaningful way. Who did participate? Well, that's another testimony by itself. Rather than spend time here on that, I've included an attachment that will hopefully make it clear that the opportunity for involvement of our community in the critical aspects of this process was for all intents and purposes, non-existent. (ATTACHMENT 2)

But, significant as they are, those details are water under the bridge. The situation we have before us today is that a cornerstone right of a select group of rural Maine citizens has been denied through statute – and I hope that restoring it starts here today. We're only asking for what every other resident of Maine has. Again, over 99% of the people in Maine – in organized towns *and* the UTs - retain their right to influence land use planning decisions as they pertain to wind development. That's all we're asking for. The return of something we once had, and that most everyone else in Maine never lost.

Effectively, this bill does nothing more than pull our communities' names off of a list of UT locations where property owners have had their rights truncated and places them back on a much larger list of UT locations where property owners still enjoy a full complement of rights. (ATTACHMENT 3)

Before I close, there are five things it's important for you to clearly understand about this bill:

1. This is not a *wind power* issue. This is a *rights* issue, pure and simple. I could just as easily be in Augusta today talking to some other committee about a loss of citizens' rights to expedited permitting of just about anything else you can imagine. My argument would be the same though, only the background topic would change. Wind development is incidental to this bill. It just happens to be the issue today. Tomorrow, it could be something else. Our rights are not an energy issue, an agricultural issue or any other industry issue. Our rights are a foundational issue.

2. This bill *does not ban, would not ban, and cannot ban* wind development or prevent a wind developer from pursuing a project in any of the affected communities. It's critical that you understand that. More than half of the operating wind capacity in Maine today was permitted prior to the 2008 creation of expedited permitting and the Expedited Permitting Area. The permitting conditions that allowed those developments to be built would still exist in these five communities.

3. The law that created the Expedited Permitting Area five years ago included a provision for adding townships, plantations, or portions of them to the Expedited Area. That provision would still apply if this bill were enacted. That means a developer, a landowner, or just a resident of one of our communities, could petition to have one of these places added to the Expedited Permitting Area. But, much unlike the process that put us into the Area the first time around, this process would be transparent and open to public review

and public input; in particular, review and input by those of us who would be materially affected. (ATTACHMENT 4)

4. The 2008 law DID NOT provide ANY means to remove a location from the Expedited Permitting Area once it had been placed there, which is remarkable when you think about it. The absence of any such a provision seems to imply that the process of creating this map was a perfect one that would last forever, and be beyond question.

By many accounts, the process of drawing the Expedited Permitting map, designating what would and what would not be in this Area was rushed. One contributor even went on record later on, saying that “there were clearly flaws” in the overall process.

Yet, despite being the product of what some participants described as a last minute rush, this new map locked our communities into this potentially high impact development zone with no consideration whatsoever, that any of them could *ever* be removed.

As it stands today, the Maine Legislature is THE only means that exists to remove our communities from the Expedited Permitting Area and restore our rights. You’re it. Not LUPC, not the DEP, not any other body. There is presently NO pathway out of the Expedited Permitting Area that doesn’t begin and end in the Maine Legislature. And five years later, the time for this to happen is well past due.

5. There are no critical or emergent needs that will be addressed by denying our communities an exit from the Expedited Permitting Area; an action that would allow us to join our neighbors and our fellow Mainers in the enjoyment of a full slate of rights as it pertains to the futures of our communities. You can’t create sustainable communities by first muting the communities’ voices in matters that so significantly involve them.

I hope that the restoration of fairness - and our rights - will start here today. I hope, for my sake, for my wife’s sake, and for the sake of all the people of these five small communities, that the legislature will reform what I trust was just an oversight.

I hope, for the sake of ALL Mainers, that you will not let this precedent stand; a precedent that says a segment of our State’s population can be told it will have to sit quietly in the hallway while their communities’ biggest decisions are made in another room – made by people who’ve never even put a foot in that community.

Please give your support to LD 616.

I thank you for the opportunity to address you today and I thank you for your service. I’d be happy to answer any questions you might have.

Alan Michka
16 Spruce Pond Rd.
Lexington Township, Maine
armichka@207me.com 628-2014

ATTACHMENT 2

LD 616 An Act to Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission

A Reasonable Opportunity for Participation? Who Created the Expedited Permitting Area?

There's considerable misunderstanding about the level of public involvement in the evolution of Maine's current wind energy policy and statute.

The Governor's Task Force on Wind Power Development was formed in the summer of 2007. It's work culminated in the recommendations that were drafted into a bill, LD 2283, which came to the legislature toward the end of the 123rd Legislature's short session in 2008.

However, it's well beyond the scope of this short discussion to review the Task Force's proceedings or address the public's role in them.

What's clear, though, is that the residents and property owners of the five communities affected by LD 616, had no reasonable opportunity to participate in that portion of the proceedings in which the Expedited Permitting Area was designated. This appears to be true for UT residents and property owners statewide. What makes for a more interesting discussion is *who did* participate.

The Task Force Chair *did* meet with wind developers or their representatives, and with ENGOs. He *didn't* meet, nor did anyone else, with the members of the communities that would be the focus of the map making.

The Chair even went so far as to say that "...what is said in these meetings is confidential among the parties (ENGOs, us, and the developers)."

(ATTACHMENT 5)

So, while those with a financial interest in curbing the rights of the citizens in our communities were given exclusive, confidential access to the process, the citizens themselves were never even notified of the meetings, or the process in general.

ATTACHMENT 3

Land Use Planning Commission MCDs in the Expedited Permitting Area

Albany Twp., Alder Stream Twp., Argyle Twp., Baring Plt., Barnard Twp., Batchelders Grant Twp., Benedicta Twp., Big Moose Twp., Blake Gore, Blanchard Twp., Brookton Twp., Carroll Plt., Carrying Place Twp., Cary Plt., Centerville Twp., Chase Stream Twp., Chester, Codyville Plt., Concord Twp., Connor Twp., Cove Point Twp., Cox Patent, Cross Lake Twp., Cyr Plt., Dennistown Plt., Drew Plt., Dudley Twp., Dyer Twp., E Twp., East Moxie Twp., Edmunds Twp., Fletchers Landing Twp., Forest City Twp., Forest Twp., Forkstown Twp., Fowler Twp., Freeman Twp., Garfield Plt., Glenwood Plt., Grand Falls Twp., Grindstone Twp., Hamlin, Hammond, Harfords Point Twp., Herseytown Twp., Hibberts Gore, Highland Plt., Hopkins Academy Grant Twp., Indian Stream Twp., Jim Pond Twp., Johnson Mountain Twp., Kibby Twp., Kingman Twp., Kingsbury Plt., Lake View Plt., Lambert Lake Twp., Lexington Twp., Macwahoc Plt., Marion Twp., Mason Twp., Mattamiscontis Twp., Mayfield Twp., Milton Twp., Misery Gore Twp., Misery Twp., Molunkus Twp., Moosehead Junction Twp., Moro Plt., Mount Chase, Moxie Gore, Nashville Plt., No. 14 Twp., North Yarmouth Academy Grant Twp., Orneville Twp., Osborn, Oxbow Plt., Parkertown Twp., Parlin Pond Twp., Perkins Twp., Perkins Twp., Swan Island, Pleasant Ridge Plt., Prentiss Twp. (T4 R4 NBKP), Prentiss Twp. (T7 R3 NBPP), Rangeley Plt., Reed Plt., Saint Croix Twp., Saint John Plt., Sandbar Tract Twp., Sandy Bay Twp., Sandy River Plt., Sapling Twp., Seboeis Plt., Silver Ridge Twp., Squapan Twp., Squaretown Twp., Summit Twp., T1 R5 WELS, T1 R6 WELS, T10 R3 WELS, T10 R6 WELS, T10 SD, T11 R3 NBPP, T11 R4 WELS, T13 R5 WELS, T14 R5 WELS, T14 R6 WELS, T15 R5 WELS, T15 R6 WELS, T16 MD, T16 R4 WELS, T16 R5 WELS, T16 R6 WELS, T17 R3 WELS, T17 R4 WELS, T18 ED BPP, T18 MD BPP, T19 ED BPP, T19 MD BPP, T2 R4 WELS, T2 R8 NWP, T2 R9 NWP, T22 MD, T3 Indian Purchase Twp., T3 R3 WELS, T3 R4 WELS, T3 R9 NWP, T4 R3 WELS, T6 R6 WELS, T7 R5 WELS, T7 R6 WELS, T7 SD, T8 R3 NBPP, T8 R3 WELS, T8 R4 NBPP, T8 R5 WELS, T8 R6 WELS, T9 R3 WELS, T9 R4 WELS, T9 R5 WELS, T9 SD, TA R2 WELS, TA R7 WELS, Taunton & Raynham Academy Grant, TC R2 WELS, TD R2 WELS, The Forks Plt., Trescott Twp., Unity Twp., Upper Molunkus Twp., Washington Twp., Webbertown Twp., Webster Plt., West Forks Plt., Williamsburg Twp., Winterville Plt.

Land Use Planning Commission MCDs not in the Expedited Permitting Area

Alder Brook Twp., Andover North Surplus Twp., Andover West Surplus Twp., Appleton Twp., Attean Twp., Beattie Twp., Berry Twp., Big Lake Twp., Big Six Twp., Big Ten Twp., Big Twenty Twp., Big W Twp., Bigelow Twp., Bowdoin College Grant East Twp., Bowdoin College Grant West Twp., Bowmantown Twp., Bowtown Twp., Bradstreet Twp., Brassua Twp., C Surplus Twp., Carrying Place Town Twp., Cathance Twp., Chesuncook Twp., Clayton Lake Twp., Coburn Gore Twp., Comstock Twp., Criehaven Twp., Davis Twp., Day Block Twp., Days Academy Grant Twp., Dead River Twp., Devereaux Twp., Dole Brook Twp., Eagle Lake Twp., East Middlesex Canal Grant Twp., Elliottsville Twp., Elm Stream Twp., Flagstaff Twp., Forsyth Twp., Frenchtown Twp., Gorham Gore Twp., Grafton Twp., Grand Lake Stream Plt., Greenfield Twp., Greenlaw Chopping Twp., Hammond Twp., Haynestown Twp., Hobbstown Twp., Holeb Twp., Katahdin Iron Works Twp., Kineo Twp., King and Bartlett Twp., Lily Bay Twp., Little W Twp., Lobster Twp., Lowelltown Twp., Lower Cupsuptic Twp., Lower Enchanted Twp., Madawaska Lake Twp., Madrid Twp., Magalloway Plt., Massachusetts Gore Twp., Matinicus Isle Plt., Merrill Strip Twp., Monhegan Island Plt., Moosehead Lake Islands, Mount Abram Twp., Muscle Ridge Twp., Muscongus Bay Islands, Nesourdnahunk Twp., Northeast Carry Twp., Oqiton Twp., Oxbow Twp., Parmachenee Twp., Penobscot Bay Islands, Pierce Pond Twp., Pittston Academy Grant Twp., Plymouth Twp., Pukakon Twp., Rainbow Twp., Raytown Twp., Redington Twp., Richardsontown Twp., Riley Twp., Russell Pond Twp., Saint John Twp., Sakom Twp., Scopan Twp., Seboomook Twp., Seven Ponds Twp., Shawtown Twp., Sinclair Twp., Soper Mountain Twp., Spencer Bay Twp., Spring Lake Twp., Stetsontown Twp., T 1 R10 WELS, T 1 R11 WELS, T 1 R12 WELS, T 1 R13 WELS, T 2 R 8 WELS, T 2 R 9 WELS, T 2 R10 WELS, T 2 R12 WELS, T 2 R13 WELS, T 3 ND BPP, T 3 R 1 NBPP, T 3 R 5 BKP WKR, T 3 R 8 WELS, T 3 R11 WELS, T 3 R12 WELS, T 3 R13 WELS, T 4 R 5 NBKP, T 4 R 8 WELS, T 4 R10 WELS, T 4 R11 WELS, T 4 R12 WELS, T 4 R13 WELS, T 4 R14 WELS, T 4 R15 WELS, T 4 R17 WELS, T 5 R 8 WELS, T 5 R 9 NWP, T 5 R11 WELS, T 5 R12 WELS, T 5 R14 WELS, T 5 R15 WELS, T 5 R17 WELS, T 5 R18 WELS, T 5 R19 WELS, T 5 R20 WELS, T 6 ND BPP, T 6 North of Weld, T 6 R 1 NBPP, T 6 R 8 WELS, T 6 R11 WELS, T 6 R12 WELS, T 6 R13 WELS, T 6 R14 WELS, T 6 R15 WELS, T 6 R17 WELS, T 6 R18 WELS, T 7 R 7 WELS, T 7 R 8 WELS, T 7 R 9 NWP, T 7 R 9 WELS, T 7 R10 WELS, T 7 R11 WELS, T 7 R12 WELS, T 7 R13 WELS, T 7 R14 WELS, T 7 R15 WELS, T 7 R16 WELS, T 7 R17 WELS, T 7 R18 WELS, T 7 R19 WELS, T 8 R 7 WELS, T 8 R 8 WELS, T 8 R 9 WELS, T 8 R10 WELS, T 8 R11 WELS, T 8 R14 WELS, T 8 R15 WELS, T 8 R16 WELS, T 8 R17 WELS, T 8 R18 WELS, T 8 R19 WELS, T 9 R 7 WELS, T 9 R 8 WELS, T 9 R 9 WELS, T 9 R10 WELS, T 9 R11 WELS, T 9 R12 WELS, T 9 R13 WELS, T 9 R14 WELS, T 9 R15 WELS, T 9 R16 WELS, T 9 R17 WELS, T 9 R18 WELS, T10 R 7 WELS, T10 R 8 WELS, T10 R 9 WELS, T10 R10 WELS, T10 R11 WELS, T10 R12 WELS, T10 R13 WELS, T10 R14 WELS, T10 R15 WELS, T10 R16 WELS, T11 R 7 WELS, T11 R 8 WELS, T11 R 9 WELS, T11 R10 WELS, T11 R11 WELS, T11 R12 WELS, T11 R13 WELS, T11 R15 WELS, T11 R16 WELS, T11 R17 WELS, T12 R 7 WELS, T12 R 8 WELS, T12 R 9 WELS, T12 R10 WELS, T12 R11 WELS, T12 R12 WELS, T12 R13 WELS, T12 R14 WELS, T12 R15 WELS, T12 R16 WELS, T12 R17 WELS, T13 R 7 WELS, T13 R 8 WELS, T13 R 9 WELS, T13 R10 WELS, T13 R11 WELS, T13 R12 WELS, T13 R13 WELS, T13 R14 WELS, T13 R15 WELS, T13 R16 WELS, T14 R 7 WELS, T14 R 8 WELS, T14 R 9 WELS, T14 R10 WELS, T14 R11 WELS, T14 R12 WELS, T14 R13 WELS, T14 R14 WELS, T14 R15 WELS, T14 R16 WELS, T15 R 8 WELS, T15 R 9 WELS, T15 R10 WELS, T15 R11 WELS, T15 R12 WELS, T15 R13 WELS, T15 R14 WELS, T15 R15 WELS, T16 R 8 WELS, T16 R 9 WELS, T16 R12 WELS, T16 R13 WELS, T16 R14 WELS, T17 R12 WELS, T17 R13 WELS, T17 R14 WELS, T18 R10 WELS, T18 R11 WELS, T18 R12 WELS, T18 R13 WELS, T19 R11 WELS, T19 R12 WELS, T26 ED BPP, T28 MD BPP, T30 MD BPP, T32 MD BPP, T34 MD BPP, T35 MD BPP, T36 MD BPP, T37 MD BPP, T39 MD BPP, T40 MD BPP, T41 MD BPP, T42 MD BPP, T43 MD BPP, TA R10 WELS, TA R11 WELS, TB R10 WELS, TB R11 WELS, Thorndike Twp., Tim Pond Twp., Tomhegan Twp., Township C, Township D, Township E, TX R14 WELS, Upper Cupsuptic Twp., Upper Enchanted Twp., Veazie Gore Twp., West Middlesex Canal Grant Twp., Wyman Twp.

**Land Use Planning Commission MCDs which only a portion of the MCD is within the
Expedited Permitting Area**

Adamstown Twp., Bald Mountain Twp., Chain of Ponds Twp., Coplin Plt., Dallas Plt., Ebeemee Twp., Kossuth Twp., Lang Twp.,
Lincoln Plt., Long A Twp., Long Pond Twp., Lynchtown Twp., Rockwood Strip Twp., Salem Twp., Sandwich Academy Grant Twp.,
Skinner Twp., Soldiertown Twp., T 1 R 8 WELS, T 1 R 9 WELS, T24 MD BPP, T25 MD BPP, T 3 R 7 WELS, Indian Purchase 4 Twp., T 4
R 7 WELS, T 4 R 9 NWP, T 5 R 7 WELS, T 6 R 7 WELS.

ATTACHMENT 4

Title 35-A: PUBLIC UTILITIES HEADING: PL 1987, C. 141, PT. A, §6 (NEW)

Part 3: ELECTRIC POWER HEADING: PL 1987, C. 141, PT. A, §6 (NEW)

Chapter 34-A: EXPEDITED PERMITTING OF GRID-SCALE WIND ENERGY DEVELOPMENT

§3453. Additions to the expedited permitting area

The Maine Land Use Planning Commission may, by rule adopted in accordance with Title 5, chapter 375, add a specified place in the State's unorganized or deorganized areas to the expedited permitting area. In order to add a specified place to the expedited permitting area, the Maine Land Use Planning Commission must determine that the proposed addition to the expedited permitting area: [2007, c. 661, Pt. A, §7 (NEW); 2011, c. 682, §38 (REV).]

1. Geographic extension. Involves a logical geographic extension of the currently designated expedited permitting area;

[2007, c. 661, Pt. A, §7 (NEW) .]

2. Meets state goals. Is important to meeting the state goals for wind energy development established in section 3404; and

[2007, c. 661, Pt. A, §7 (NEW) .]

3. Principal values and goals. Would not compromise the principal values and the goals identified in the comprehensive land use plan adopted by the Maine Land Use Planning Commission pursuant to Title 12, section 685-C.

[2007, c. 661, Pt. A, §7 (NEW); 2011, c. 682, §38 (REV) .]

Rules adopted by the Maine Land Use Planning Commission pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Title 12: CONSERVATION
Part 2: FORESTS, PARKS, LAKES AND RIVERS
Chapter 206-A: USE REGULATION
Subchapter 1: GENERAL PROVISIONS

§681. Purpose and scope

The Legislature finds that it is desirable to extend principles of sound planning, zoning and development to the unorganized and deorganized townships of the State: To preserve public health, safety and general welfare; to support and encourage Maine's natural resource-based economy and strong environmental protections; to encourage appropriate residential, recreational, commercial and industrial land uses; to honor the rights and participation of residents and property owners in the unorganized and deorganized areas while recognizing the unique value of these lands and waters to the State; to prevent residential, recreational, commercial and industrial uses detrimental to the long-term health, use and value of these areas and to Maine's natural resource-based economy; to discourage the intermixing of incompatible industrial, commercial, residential and recreational activities; to prevent the development in these areas of substandard structures or structures located unduly proximate to waters or roads; to prevent the despoliation, pollution and detrimental uses of the water in these areas; and to conserve ecological and natural values. [2011, c. 682, §3 (AMD).]

The Legislature declares it to be in the public interest, for the public benefit, for the good order of the people of this State and for the benefit of the property owners and residents of the unorganized and deorganized townships of the State, to encourage the well-planned and well-managed multiple use, including conservation, of land and resources and to encourage and facilitate regional economic viability. The Legislature acknowledges the importance of these areas in the continued vitality of the State and to local economies. Finally, the Legislature desires to encourage the appropriate use of these lands by the residents of Maine and visitors in pursuit of outdoor recreation activities, including, but not limited to, hunting, fishing, boating, hiking and camping. [2011, c. 682, §3 (AMD).]

SECTION HISTORY

1969, c. 494, (NEW). 1971, c. 457, §1 (AMD). 1973, c. 569, §1 (AMD). 1975, c. 508, §1 (AMD). 2009, c. 401, §1 (AMD). 2011, c. 682, §3 (AMD).

ATTACHMENT 5 (Emphasis added)

Excerpt: Naomi Schalit. Maine Center for Public Interest Reporting. "Wind power law hasn't prevented development conflicts." Bangor Daily News. 8/11/10. (Emphasis added.)

The map designated all the organized towns and about a third of the Unorganized Territory as the state's "expedited wind zone" where that speedy consideration of projects would take place. The task force also proposed to allow the Land Use Regulation Commission to expand the areas if applicants met certain standards.

How that map got drawn is not clear from the official record of the task force's meetings. That's because summaries for the last two meetings don't exist, said task force chairman Alec Giffen's secretary, Rondi Doiron.

"Everyone was working straight out on getting the report done, and no one had time to get the summaries done," Doiron wrote in an email to the Maine Center for Public Interest Reporting.

But Giffen and others freely describe the map's genesis: First, Giffen consulted with the developers' representatives one-by-one, as they were loathe to share proprietary information with competitors. Then he went to the environmental groups and asked what areas they wanted to protect.

Then he came up with a proposed map designating expedited wind development areas.

"I integrated, based on what I knew about what areas were important for what kinds of uses, presented it to the task force and got concurrence that the way in which it was outlined made sense," Giffen said.

Others describe the map-drawing process as a last-minute rush to get the task force's report done in time for legislators to consider as they neared the end of a short session.

"There was a lot of 'Here, here, here and here' and 'No, no, no and no," during the map debate, said task force member Rep. Stacey Fitts, R-Pittsfield. "It changed several times." Maine Audubon's Jody Jones described the process as "I want this in, I want this out."

Whatever the process looked and sounded like is lost to the public record because no minutes were taken or recorded.

And that, says Sun Journal managing editor Judy Meyer, who's also vice president of the Maine Freedom of Information Coalition, is "shocking."

Maine law doesn't require groups like the governor's wind task force to memorialize deliberations, says Meyer.

"There's no requirement that they record their meetings or produce minutes," she said. "What smells particularly about this is that there are some summaries and not others. That's a real eyebrow raiser. You'd think a governor's task force would have the ability to keep minutes of its proceedings."

From: Giffen, Alec
Sent: Thursday, January 17, 2008 2:26 PM
To: Tilberg, Karin
Cc: 'Ann Gosline'; Burrowes, Todd
Subject: Wind Power Task Force Reports

Karin –

Here is my proposal for how we get from where we are now to a completed report from the Wind Power Task Force and proposed legislation to implement it.

1. Brief as many of the Task Force members as I can reach regarding the expedited schedule, etc., and set up the next meeting of the Task Force	Friday, Jan. 18
2. Complete the draft of the report	Tuesday, Jan. 22
3. Hold individual meetings with the ENGOs and developers (FPL, Rob Gardiner, UPC, TransCanada, Chip Ahrens, Harley Lee) to go over draft report and, if possible, develop a map of the area where expedited review would take place. I would propose to meet with them with the map we have showing the location of met towers on the state base showing MCDs. You and I would attend these meetings. Agreement would be that what is said in these meetings is confidential among the parties (ENGOs, us, and the developers). As a result of these meetings, either reach agreement on a map of areas to be expedited or agree to call for expedited rulemaking to develop it. If agreement is reached on a map, parties would sign an agreement to support the map publicly and privately and resist efforts to change it in the legislature.	Week of Jan. 22 – Jan 25
4. Hold a meeting of the Task Force to finalize the report	Toward the end of the week of Jan. 22 – Jan 25, or early the following week
5. Draft legislation to implement the Task Force recommendations	Feb. 1

Alec

R. Alec Giffen, Director
 Maine Forest Service
 #22 SHS
 Augusta, ME 04333
 (207) 287-2795
 (207) 592-0755 (cell)
alec.giffen@maine.gov