



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 502

H.P. 395

House of Representatives, February 14, 2011

An Act To Place a Moratorium on Expedited Permitting of Grid-scale Wind Energy Development

(EMERGENCY)

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative DUNPHY of Embden.
Cosponsored by Representative RICHARDSON of Warren and
Representatives: BLACK of Wilton, CRAY of Palmyra, DAVIS of Sangerville, HARMON of
Palermo, McCLELLAN of Raymond, O'CONNOR of Berwick, SIROCKI of Scarborough,
WINTLE of Garland.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** implementation of expedited grid-scale wind energy development in the
4 State has resulted in significant controversy; and

5 **Whereas,** this controversy demonstrates the need for review of state policy to ensure
6 that expedited permitting and subsequent siting of grid-scale wind energy developments
7 proceed in a manner that preserves public confidence that the interests of all citizens and
8 property owners have been given due consideration; and

9 **Whereas,** grid-scale wind energy development permitting rules adopted in 2008
10 were created using assumptions that have since been shown to be in error; those rules
11 attempted but failed to resolve controversies associated with the siting of grid-scale wind
12 energy developments; and

13 **Whereas,** protection of the citizens of the State and their property rights requires
14 that the permitting process be temporarily interrupted pending the necessary review; and

15 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
16 the meaning of the Constitution of Maine and require the following legislation as
17 immediately necessary for the preservation of the public peace, health and safety; now,
18 therefore,

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

20 **Sec. 1. 35-A MRSA §3459** is enacted to read:

21 **§3459. Moratorium**

22 Notwithstanding Title 1, section 302 and the other provisions of this chapter, a
23 primary siting authority may not issue any permits under this chapter or accept any
24 applications for permits under this chapter for 6 months from the effective date of this
25 section.

26 **Emergency clause.** In view of the emergency cited in the preamble, this
27 legislation takes effect when approved.

28 **SUMMARY**

29 This bill places a 6-month moratorium on the submission of applications or granting
30 of permits for expedited grid-scale wind energy developments in the State to allow time
31 for further consideration and review of implementation policies. The permitting of wind
32 energy developments, including grid-scale wind energy developments, under
33 nonexpedited procedures and statute is unaffected by this bill and remains available for
34 those parties pursuing permits for the placement of a wind energy development.