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H.P. 754

House of Representatives, March 19, 2013

An Act To Regulate Meteorological Data-gathering Towers in Maine

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUNPHY of Embden.
Cosponsored by Representatives: CRAY of Palmyra, FITZPATRICK of Houlton, GIFFORD of Lincoln, LIBBY of Waterboro, MALABY of Hancock, TIMBERLAKE of Turner.

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

2 **Sec. 1. 12 MRSA §685-B, sub-§2-D** is enacted to read:

3 **2-D. Meteorological towers; permit notification.** As used in this subsection,
4 "meteorological tower" has the same meaning as in Title 35-A, section 3451, subsection
5 7-A.

6 A. Within 30 days after issuing a permit for construction or installation of a
7 meteorological tower, the commission shall send a notice by certified mail, return
8 receipt requested, to each owner of record of each parcel of land located within 8
9 miles in every direction of the meteorological tower. The notice must include:

10 (1) The location of the meteorological tower, including the global positioning
11 system coordinates of the tower;

12 (2) The name and address of and a designated contact person for the person or
13 entity issued the permit; and

14 (3) A map, to scale, of the area surrounding the meteorological tower, including,
15 but not limited to, the location of structures, houses, roads identified by their
16 locally designated names and state route numbers where applicable and
17 significant natural features such as mountain peaks, streams and lakes.

18 B. Within 30 days after issuing a permit for the construction or installation of a
19 meteorological tower, the commission shall publish a notice of the permit issuance
20 and the information required in the notice pursuant to paragraph A in a:

21 (1) Newspaper published on a daily basis having general circulation in the area
22 where construction of the meteorological tower has been permitted; and

23 (2) Newspaper published on a weekly basis having general circulation in the area
24 where construction of the meteorological tower has been permitted.

25 C. Within 30 days after issuing a permit for the construction or installation of a
26 meteorological tower, the commission shall post in a prominent position on its
27 publicly accessible website the following information, which must be searchable by
28 keyword:

29 (1) The name of the township in which the meteorological tower is located;

30 (2) The name and address of the person or entity issued the permit;

31 (3) The date the permit was issued;

32 (4) A link to access copies of any maps that are required in the notice pursuant to
33 paragraph A; and

34 (5) A map of the State that includes the location of all meteorological towers
35 permitted by the commission.

36 **Sec. 2. 30-A MRSA §4362** is enacted to read:

1 **§4362. Meteorological towers**

2 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
3 following terms have the following meanings.

4 A. "Meteorological tower" has the same meaning as in Title 35-A, section 3451,
5 subsection 7-A.

6 B. "Wind energy development" has the same meaning as in Title 35-A, section 3451,
7 subsection 11.

8 **2. Notification to surrounding property owners.** If the Maine Land Use Planning
9 Commission or the Department of Environmental Protection is not required to provide
10 notice pursuant to Title 12, section 685-B, subsection 2-D, paragraph A or Title 38,
11 section 487-B, subsection 2, the permitting municipality, within 30 days after issuing a
12 permit for construction or installation of a meteorological tower, shall send a notice by
13 certified mail, return receipt requested, to each owner of record of each parcel of land
14 located within 8 miles in every direction of the meteorological tower. The notice must
15 include:

16 A. The location of the meteorological tower, including the global positioning system
17 coordinates of the tower;

18 B. The name and address of and a designated contact person for the person or entity
19 issued the permit; and

20 C. A map, to scale, of the area surrounding the meteorological tower, including, but
21 not limited to, the location of structures, houses, roads identified by their locally
22 designated names and state route numbers where applicable and significant natural
23 features such as mountain peaks, streams and lakes.

24 **3. Public notice.** If the Maine Land Use Planning Commission or the Department of
25 Environmental Protection is not required to publish a notice pursuant to Title 12, section
26 685-B, subsection 2-D, paragraph B or Title 38, section 487-B, subsection 3, the
27 permitting municipality, within 30 days after issuing a permit for the construction or
28 installation of a meteorological tower, shall publish a notice of the permit issuance and
29 the information required in the notice pursuant to subsection 2 in a:

30 A. Newspaper published on a daily basis having general circulation in the area where
31 construction of the meteorological tower has been permitted; and

32 B. Newspaper published on a weekly basis having general circulation in the area
33 where construction of the meteorological tower has been permitted.

34 **4. Internet posting.** If the Maine Land Use Planning Commission or the
35 Department of Environmental Protection is not required to post information on the
36 Internet pursuant to Title 12, section 685-B, subsection 2-D, paragraph C or Title 38,
37 section 487-B, subsection 4, the permitting municipality, within 30 days after issuing a
38 permit for the construction or installation of a meteorological tower, shall post in a
39 prominent position on its publicly accessible website the following information, which
40 must be searchable by keyword:

- 1 A. The name of the municipality in which the meteorological tower is located;
- 2 B. The name and address of the person or entity issued the permit;
- 3 C. The date the permit was issued;
- 4 D. A link to access copies of any maps that are required in the notice pursuant to
5 subsection 2; and
- 6 E. A map of the State that includes the location of all meteorological towers
7 permitted by the municipality.

8 **5. Wind energy development permit.** As part of any permit application for a wind
9 energy development, the applicant shall submit to the permitting municipality a detailed
10 summary of the data from each meteorological tower the applicant used in evaluating the
11 suitability of the site for a wind energy development. The municipality may not consider
12 the application complete until the detailed summary is submitted. The detailed summary
13 of the meteorological tower data is a public record as defined in Title 1, section 402,
14 subsection 3.

15 **Sec. 3. 35-A MRSA §3451, sub-§7-A** is enacted to read:

16 **7-A. Meteorological tower.** "Meteorological tower" means an elevated structure or
17 other support platform with attached equipment, such as an anemometer, a wind direction
18 vane and temperature and pressure sensors and other measurement devices, to measure
19 and assess the wind resource in connection with a wind energy development.

20 **Sec. 4. 35-A MRSA §3459** is enacted to read:

21 **§3459. Meteorological towers**

22 As part of any permit application for a wind energy development, the applicant shall
23 submit to the primary siting authority a detailed summary of the data from each
24 meteorological tower the applicant used in evaluating the suitability of the site for a wind
25 energy development. The primary siting authority may not determine the application
26 complete until the detailed summary is submitted. The detailed summary of the
27 meteorological tower data is a public record as defined in Title 1, section 402, subsection
28 3.

29 **Sec. 5. 38 MRSA §487-B** is enacted to read:

30 **§487-B. Meteorological towers; permit notification**

31 **1. Meteorological tower defined.** For the purpose of this section, "meteorological
32 tower" has the same meaning as in Title 35-A, section 3451, subsection 7-A.

33 **2. Notification to surrounding property owners.** Within 30 days after issuing a
34 permit for construction or installation of a meteorological tower, the department shall
35 send a notice by certified mail, return receipt requested, to each owner of record of each
36 parcel of land located within 8 miles in every direction of the meteorological tower. The
37 notice must include:

1 A. The location of the meteorological tower, including the global positioning system
2 coordinates of the tower;

3 B. The name and address of and a designated contact person for the person or entity
4 issued the permit; and

5 C. A map, to scale, of the area surrounding the meteorological tower, including, but
6 not limited to, the location of structures, houses, roads identified by their locally
7 designated names and state route numbers where applicable and significant natural
8 features such as mountain peaks, streams and lakes.

9 **3. Public notice.** Within 30 days after issuing a permit for the construction or
10 installation of a meteorological tower, the department shall publish a notice of the permit
11 issuance and the information required in the notice pursuant to subsection 2 in a:

12 A. Newspaper published on a daily basis having general circulation in the area where
13 construction of the meteorological tower has been permitted; and

14 B. Newspaper published on a weekly basis having general circulation in the area
15 where construction of the meteorological tower has been permitted.

16 **4. Internet posting.** Within 30 days after issuing a permit for the construction or
17 installation of a meteorological tower, the department shall post in a prominent position
18 on its publicly accessible website the following information, which must be searchable by
19 keyword:

20 A. The name of the municipality or township in which the meteorological tower is
21 located;

22 B. The name and address of the person or entity issued the permit;

23 C. The date the permit was issued;

24 D. A link to access copies of any maps that are required in the notice pursuant to
25 subsection 2; and

26 E. A map of the State that includes the location of all meteorological towers
27 permitted by the department.

28 SUMMARY

29 This bill requires applicants for wind energy permits to submit to the permitting
30 municipality, the Maine Land Use Planning Commission or the Department of
31 Environmental Protection a detailed summary of the data from each meteorological tower
32 the applicant used in evaluating the suitability of a site for a wind energy development.
33 The bill also requires municipalities, the Maine Land Use Planning Commission and the
34 Department of Environmental Protection to provide certain notifications relating to
35 permits for the construction or installation of a meteorological tower. The required
36 notifications include notice to landowners within 8 miles of the tower, publication in
37 daily and weekly newspapers and posting on the Internet.