

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Protect Monhegan Island by Limiting Wind Turbines**

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

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

F. The commission may not permit a community-based offshore wind energy project within the Monhegan Lobster Conservation Area described in section 6471 or within 10 nautical miles of the Monhegan Lobster Conservation Area measured from a line running from the outer perimeter of the Monhegan Lobster Conservation Area.

**Sec. 2. 12 MRSA §1868, sub-§5** is enacted to read:

**5. Prohibited area.** An offshore wind energy test area, for temporary or permanent purposes, may not be located within the Monhegan Lobster Conservation Area described in section 6471 or within 10 nautical miles of the Monhegan Lobster Conservation Area measured from a line running from the outer perimeter of the Monhegan Lobster Conservation Area.

**Sec. 3. 38 MRSA §480-D, sub-§11, ¶D** is enacted to read:

D. The department may not issue a permit under this article for an offshore wind power project within the Monhegan Lobster Conservation Area described in Title 12, section 6471 or within 10 nautical miles of the Monhegan Lobster Conservation Area measured from a line running from the outer perimeter of the Monhegan Lobster Conservation Area.

**Sec. 4. 38 MRSA §480-HH, sub-§16** is enacted to read:

**16. Monhegan Island prohibition.** A general permit under this section may not be granted for an offshore wind energy demonstration project within the Monhegan Lobster Conservation Area described in Title 12, section 6471 or within 10 nautical miles of the Monhegan Lobster Conservation Area measured from a line running from the outer perimeter of the Monhegan Lobster Conservation Area.

**Sec. 5. 38 MRSA §484, sub-§10**, as amended by PL 2011, c. 655, Pt. DD, §18 and affected by §24, is further amended to read:

### **10. Special provisions; wind energy development or offshore wind power project.**

In the case of a grid-scale wind energy development, or an offshore wind power project with an aggregate generating capacity of 3 megawatts or more, the proposed generating facilities, as defined in Title 35-A, section 3451, subsection 5:

A. Will be designed and sited to avoid unreasonable adverse shadow flicker effects;

B. Will be constructed with setbacks adequate to protect public safety. In making a finding pursuant to this paragraph, the department shall consider the recommendation of a professional, licensed civil engineer as well as any applicable setback recommended by a manufacturer of the generating facilities; and

C. Will provide significant tangible benefits as determined pursuant to Title 35-A, section 3454, if the development is an expedited wind energy development.

The Department of Labor, the Governor's Office of Policy and Management, the Governor's Energy Office and the Public Utilities Commission shall provide review comments if requested by the primary siting authority.

For purposes of this subsection, "grid-scale wind energy development," "primary siting authority," "significant tangible benefits" and "expedited wind energy development" have the same meanings as in Title 35-A, section 3451.

The department may not issue a permit under this article for an offshore wind power project within the Monhegan Lobster Conservation Area described in Title 12, section 6471 or within 10 nautical miles of the Monhegan Lobster Conservation Area measured from a line running from the outer perimeter of the Monhegan Lobster Conservation Area.

**Sec. 6. Retroactivity.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies retroactively to January 1, 2009.

## SUMMARY

This bill prohibits the permitting of an offshore wind energy project within the Monhegan Lobster Conservation Area or within 10 nautical miles of the Monhegan Lobster Conservation Area. The provisions of the bill apply retroactively to January 1, 2009.