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House of Representatives, February 23, 2011

An Act To Regulate Noise from Wind Turbines in Residential Developments

Received by the Clerk of the House on February 18, 2011. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative HARMON of Palermo. (BY REQUEST)
Cosponsored by Representatives: BRYANT of Windham, CHIPMAN of Portland, DUNPHY of Embden, KESCHL of Belgrade.

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

2 **Sec. 1. 38 MRSA §484, sub-§3, ¶A,** as enacted by PL 1993, c. 383, §21 and
3 affected by §42, is amended to read:

4 A. In making a determination under this subsection, the department may consider
5 the effect of noise from a commercial or industrial development. Noise from a
6 residential development approved under this article may not be regulated under this
7 subsection, ~~and noise~~ except that noise from wind turbines from a residential
8 development may be regulated under this subsection. Noise generated between the
9 hours of 7 a.m. and 7 p.m. or during daylight hours, whichever is longer, by
10 construction of a development approved under this article may not be regulated under
11 this subsection.

12 **Sec. 2. Retroactivity.** This Act applies retroactively to January 1, 2006.

13 **SUMMARY**

14 Current law prohibits the regulation of noise from residential developments under the
15 site location of development laws. This bill allows such regulation for noise from wind
16 turbines and makes it retroactive to 2006.