



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1434

H.P. 1023

House of Representatives, April 23, 2013

An Act To Clarify the Laws Governing Noise from Wind Turbines

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JONES of Freedom.

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

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

3 **§3459. Sound level standards for unregulated wind energy development**

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

6 A. "Operational" means generating electricity for purchase or sale.

7 B. "Sound level standards" means the sound level standards that a wind energy
8 development required to obtain approval under Title 38, chapter 3, subchapter 1,
9 article 6 is required to meet.

10 C. "Unregulated wind energy development" means an operational wind energy
11 development that prior to January 1, 2013:

12 (1) Was not required to obtain approval under Title 38, chapter 3, subchapter 1,
13 article 6 or to obtain certification under section 3456; and

14 (2) Is not an offshore wind power project as defined in Title 38, section 480-B,
15 subsection 6-A.

16 **2. Sound level standards.** An unregulated wind energy development must meet the
17 sound level standards that were in effect on the date that the unregulated wind energy
18 development become operational.

19 **3. Certification.** By January 1, 2015, a person operating an unregulated wind
20 energy development shall obtain certification from the department that the unregulated
21 wind energy development meets the sound level standards under subsection 2. The
22 department shall develop an application form for certification under this subsection,
23 which the person must use to obtain certification.

24 **4. Fee; outside review; approval process.** The department may charge a person an
25 appropriate fee for its review of an unregulated wind energy development and
26 certification pursuant to this section. The department may use an outside reviewer as
27 provided in Title 38, section 344-A.

28 **5. Enforcement of standards.** The department shall enforce the requirements of
29 subsection 3 in accordance with Title 38, section 347-A. Following certification under
30 this section, the sound level standards in subsection 2 may be enforced by the
31 municipality in which the unregulated wind energy development is located at the
32 municipality's discretion pursuant to Title 30-A, section 4452. Following certification, the
33 department is not responsible for the enforcement of subsection 2.

34 **SUMMARY**

35 This bill requires unregulated wind energy developments that buy and sell electricity
36 to meet the same sound level standards that wind energy developments permitted under
37 the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 6 must meet.