



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1262

S.P. 425

In Senate, March 30, 2017

An Act To Protect Monhegan Island by Limiting Wind Turbines

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

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

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DOW of Lincoln.

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

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

3 F. The commission may not permit a community-based offshore wind energy project
4 within the Monhegan Lobster Conservation Area described in section 6471 or within
5 10 nautical miles of the Monhegan Lobster Conservation Area measured from a line
6 running from the outer perimeter of the Monhegan Lobster Conservation Area.

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

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

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

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

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

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

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

27 **10. Special provisions; wind energy development or offshore wind power**
28 **project.** In the case of a grid-scale wind energy development, or an offshore wind power
29 project with an aggregate generating capacity of 3 megawatts or more, the proposed
30 generating facilities, as defined in Title 35-A, section 3451, subsection 5:

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

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

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

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

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

7 The department may not issue a permit under this article for an offshore wind power
8 project within the Monhegan Lobster Conservation Area described in Title 12, section
9 6471 or within 10 nautical miles of the Monhegan Lobster Conservation Area measured
10 from a line running from the outer perimeter of the Monhegan Lobster Conservation
11 Area.

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

14 **SUMMARY**

15 This bill prohibits the permitting of an offshore wind energy project within the
16 Monhegan Lobster Conservation Area or within 10 nautical miles of the Monhegan
17 Lobster Conservation Area. The provisions of the bill apply retroactively to January 1,
18 2009.