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ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 904, L.D. 1329, Bill, "An Act To Maximize the Benefits of Renewable Energy in Maine"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

'Sec. 1. 35-A MRSA §3402, as amended by PL 2009, c. 615, Pt. A, §2 and PL 2011, c. 682, §38, is further amended to read:

§3402. Legislative findings

The Legislature finds that it is in the public interest to explore opportunities for and encourage access to and the development, where appropriate, of wind renewable energy production in the State in a manner that is consistent with all state and federal environmental standards and that achieves reliable, cost-effective, sustainable energy production on those sites in the State that will attract investment and permit the development of viable wind energy projects. The Legislature finds that the access to renewable energy resources and the development of the wind renewable energy potential in the State needs to be integrated into the existing energy supply and transmission systems in a way that achieves system reliability, total capital cost-effectiveness and optimum short-term and long-term benefits to Maine people. The Legislature finds it is in the public interest to encourage the construction and operation of community wind power generation facilities in the State. For the purposes of this chapter, "community wind power generation facility" means an electricity generating facility at any one site with instantaneous generating nameplate capacity of not more than 10 megawatts that is powered entirely by wind energy. The Legislature also finds it is in the public interest to encourage wind renewable energy research and the development of wind renewable energy generation equipment manufacturing facilities in the State.

1. Contribution of renewable energy development. The Legislature finds and declares that the wind energy resources of the State constitute a valuable indigenous and renewable energy resource and that wind energy development, which is unique in its benefits to and impacts on the natural environment, makes a significant contribution to the general welfare of the citizens of the State for the following reasons:

COMMITTEE AMENDMENT

1           A. ~~Wind energy is an economically feasible, large-scale energy resource that does~~  
2 ~~not rely on fossil fuel combustion or nuclear fission, thereby displacing electrical~~  
3 ~~energy provided by these other sources and avoiding air pollution, waste disposal~~  
4 ~~problems and hazards to human health from emissions, waste and by products;~~  
5 ~~consequently, wind energy development may address energy needs while making a~~  
6 ~~significant contribution to achievement of the State's renewable energy and~~  
7 ~~greenhouse gas reduction objectives, including those in Title 38, section 576;~~

8           B. ~~At present and increasingly in the future with anticipated technological advances~~  
9 ~~that promise to increase the number of places in the State where grid-scale wind~~  
10 ~~energy development is economically viable, and changes in the electrical power~~  
11 ~~market that favor clean power sources, wind energy may be used to displace~~  
12 ~~electrical power that is generated from fossil fuel combustion and thus reduce our~~  
13 ~~citizens' dependence on imported oil and natural gas and improve environmental~~  
14 ~~quality and state and regional energy security; and~~

15           C. ~~Renewable energy resources within the State and in the Gulf of Maine have the~~  
16 ~~potential, over time, to provide enough energy for the State's homeowners and~~  
17 ~~businesses to reduce their use of oil and liquid petroleum fueled heating systems by~~  
18 ~~transition to alternative, renewable energy based heating systems and to reduce their~~  
19 ~~use of petroleum fueled motor vehicles by transition to electric powered motor~~  
20 ~~vehicles. Electrification of heating and transportation has potential to increase the~~  
21 ~~State's energy independence, to help stabilize total residential and commercial energy~~  
22 ~~bills and to reduce greenhouse gas emissions.~~

23           **~~2. Need for modification of regulatory process for siting wind energy~~**  
24 ~~developments.~~ The Legislature finds that it is in the public interest to reduce the  
25 ~~potential for controversy regarding siting of grid-scale wind energy development by~~  
26 ~~expediting development in places where it is most compatible with existing patterns of~~  
27 ~~development and resource values when considered broadly at the landscape level.~~  
28 ~~Accordingly, the Legislature finds that certain aspects of the State's regulatory process for~~  
29 ~~determining the environmental acceptability of wind energy developments should be~~  
30 ~~modified to encourage the siting of wind energy developments in these areas. Such~~  
31 ~~changes include, but are not limited to:~~

32           A. ~~Making wind energy development a permitted use within certain parts of the~~  
33 ~~State's unorganized and deorganized areas;~~

34           B. ~~Refining certain procedures of the Department of Environmental Protection and~~  
35 ~~the Maine Land Use Planning Commission; and~~

36           C. ~~Because the Legislature recognizes that wind turbines are potentially a highly~~  
37 ~~visible feature of the landscape that will have an impact on views, judging the effects~~  
38 ~~of wind energy development on scenic character and existing uses related to scenic~~  
39 ~~character based on whether the development significantly compromises views from a~~  
40 ~~scenic resource of state or national significance such that the development has an~~  
41 ~~unreasonable adverse effect on the scenic character or existing uses related to the~~  
42 ~~scenic character of that resource.~~

43           The Legislature further finds that, while wind energy may be developed at many sites  
44 ~~with minimal site specific environmental impacts, wind energy developments may have,~~

~~in addition to their beneficial environmental effects and potential scenic impacts, specific adverse environmental effects that must be addressed in state permitting decisions pursuant to approval criteria tailored to address issues presented by wind energy development. Nothing in this section is meant to diminish the importance of addressing as appropriate site specific impacts on natural values, including, but not limited to, wildlife, wildlife habitats and other ecological values.~~

~~The Legislature further finds that development of the State's wind energy resources should be undertaken in a manner that ensures significant tangible benefits to the people of the State, including, but not limited to, residents of communities that host wind energy facilities; and that the State should seek to host a substantial amount of wind energy as part of a strategy to reduce greenhouse gas emissions and meet the goals established in the state climate action plan developed pursuant to Title 38, section 577.~~

3. Energy efficiency for home heating and transportation. The Legislature finds that conversion or replacement energy fuel sources for powering motor vehicles and for heating well-insulated residential and commercial buildings may enhance energy independence, reduce energy costs and reduce greenhouse gas emissions.

**Sec. 2. 35-A MRSA §3460** is enacted to read:

**§3460. Decommissioning plans**

Decommissioning plans must be submitted to and approved by the department as a condition of approval in all grid-scale wind energy development. The department shall obtain a written guaranty in the form of a performance bond from a 3rd-party guarantor that ensures sufficient funding of all decommissioning costs regardless of the point in history of the development at which decommissioning becomes necessary, based on the department's decommissioning standards in force at the time of application. The department shall adopt rules to implement this section. These rules must include, at a minimum, requirements for full funding for the removal of all components of the wind energy development, vegetative restoration of the development area and maintenance of public safety and environmental protection during decommissioning. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Land and Water Quality 0248**

Initiative: Provides one-time funding for rule-making costs.

<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
All Other	\$2,500	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$2,500</b>	<b>\$0</b>

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**SUMMARY**

This amendment is the minority report of the committee. This amendment replaces the bill. Like the bill, this amendment modifies the legislative findings of the Maine Wind Energy Act to expand the scope to include other renewable energy sources, not just wind. Like the bill, this amendment provides in the legislative findings of the Maine Wind Energy Act that conversion or replacement energy fuel sources for powering motor vehicles and for heating well-insulated residential and commercial buildings may enhance energy independence, reduce energy costs and reduce greenhouse gas emissions. This amendment removes the provision of the legislative findings of the Maine Wind Energy Act that addresses the need for modification of regulatory process for siting wind energy developments.

This amendment, like the bill, requires grid-scale wind energy developers to file decommissioning plans and to provide a performance bond to guarantee the funding for decommissioning. This amendment requires the Department of Environmental Protection to adopt routine technical rules related to the decommissioning of grid-scale wind energy development. The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**