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Date: (Filing No. H-)

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

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 562, L.D. 828, Bill, “An Act To Improve Regulatory Consistency within the Jurisdiction of the Maine Land Use Planning Commission”

Amend the amendment by striking out all of section 8 and inserting the following:

'Sec. 8. 35-A MRSA §3453-A is enacted to read:

§3453-A. Removals from the expedited permitting area

The Maine Land Use Planning Commission may, by rule adopted in accordance with Title 5, chapter 375, remove a specified place in the unorganized and deorganized areas from the expedited permitting area as described in this section.

1. Transition process for removal. The Maine Land Use Planning Commission shall, by rule, remove a specified place in the unorganized and deorganized areas from the expedited permitting area if:

A. The specified place is a township, plantation, municipality or portion thereof that has been identified pursuant to section 3451, subsection 3, paragraph B;

B. The Maine Land Use Planning Commission receives a petition on or before May 31, 2016 requesting the removal of the specified place from the expedited permitting area that:

(1) Clearly states that the persons signing the petition are requesting the removal of the specified place from the expedited permitting area;

(2) Is signed by at least 10% of the number of registered voters residing in the township, plantation, municipality or portion thereof that voted in the most recent gubernatorial election; and

(3) Is on a form consistent with Title 5, section 8055, a form provided by the Maine Land Use Planning Commission or a form otherwise determined to be sufficient for the purposes of this subsection by the Maine Land Use Planning Commission; and

C. The Maine Land Use Planning Commission notifies the owners of the specified place, provides an opportunity for public comment on the petition, conducts a public

1 hearing and then determines that the specified place does not meet the requirements
2 for additions to the expedited permitting area in section 3453.

3 A petition under this subsection for removal of a specified place from the expedited
4 permitting area is considered pending if the Maine Land Use Planning Commission has
5 accepted the petition as complete for processing but has not taken final action on the
6 proposed rule to remove the specified place from the expedited permitting area.

7 **2. Exceptions.** The following specified places may not be removed from the
8 expedited permitting area under this section:

9 A. Any specified place within the project boundary of an existing or proposed,
10 legally permitted expedited wind energy development, unless the development permit
11 is revoked or withdrawn;

12 B. Any specified place within the project boundary of a proposed expedited wind
13 energy development, as described in the development permit application, that has
14 been accepted for processing by the Department of Environmental Protection, unless
15 the development permit application is denied; and

16 C. Any specified place added by rule to the expedited permitting area in accordance
17 with section 3453 prior to the effective date of this section.

18 As used in this subsection, "project boundary" means the geographic limits of an existing
19 or proposed expedited wind energy development, as defined by the deeded geographic
20 boundaries of the parcel or parcels of land on which the development or portions thereof
21 are located or proposed to be located.

22 **3. Rulemaking.** The Maine Land Use Planning Commission may adopt rules
23 implementing this section. Rules adopted pursuant to this section are routine technical
24 rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted pursuant to
25 subsection 1 need not meet the requirements of Title 5, section 8053-A or 8060 but must
26 meet all other applicable requirements in Title 5, chapter 375.'

27 **SUMMARY**

28 This amendment adds a requirement for notice and public hearing on a petition to
29 remove a specified place from the expedited permitting area and requires the Maine Land
30 Use Planning Commission to determine whether the specified place meets the existing
31 requirements for additions to the expedited permitting area. This amendment also reduces
32 the percentage of resident voters who must sign a petition seeking removal of a specified
33 place from the expedited permitting area from 50%, as proposed in Committee
34 Amendment "A," to 10%.

35 **SPONSORED BY:** _____

36 **(Representative SAUCIER)**

37 **TOWN: Presque Isle**