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An Act To Require That Expedited Wind Energy Development Projects Provide a Tangible Benefit to Maine Ratepayers in the Form of Discounts to Future Electric Rates

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

Sec. 1. 12 MRSA §685-B, sub-§4-B, as enacted by PL 2007, c. 661, Pt. C, §4, is amended to read:

4-B. Special provisions; wind energy development. In the case of a wind energy development, ~~as defined in Title 35-A, section 3451, subsection 11,~~ with a generating capacity greater than 100 kilowatts, the developer must demonstrate, in addition to requirements under subsection 4, that the proposed generating facilities, ~~as defined in Title 35-A, section 3451, subsection 5:~~

A. Will meet the requirements of the Board of Environmental Protection's noise control rules adopted pursuant to Title 38, chapter 3, subchapter 1, article 6;

B. Will be designed and sited to avoid undue adverse shadow flicker effects;

C. Will be constructed with setbacks adequate to protect public safety, as provided in Title 35-A, section 3455. In making findings pursuant to this paragraph, the commission shall consider the recommendation of a professional, licensed civil engineer as well as any applicable setback recommended by a manufacturer of the generating facilities; and

D. Will provide significant tangible benefits, ~~as defined in Title 35-A, section 3451, subsection 10; within the State, as provided in Title 35-A, section 3454, if the development is an expedited wind energy development, as defined in Title 35-A, section 3451, subsection 4.~~

E. If the development is an expedited wind energy development, will provide tangible benefits to the State as determined pursuant to Title 35-A, section 3454, one of which must be that the applicant demonstrate to the primary siting authority that the proposed generating facility will provide a tangible benefit to ratepayers in the State in the form of a reduction in long-term electric rates.

For purposes of this subsection, "tangible benefits," "generating facility," "primary siting authority," "wind energy development" and "expedited wind energy development" have the same meanings as in Title 35-A, section 3451.

Sec. 2. 35-A MRSA §3454, as enacted by PL 2007, c. 661, Pt. A, §7, is amended to read:

§ 3454. Determination of tangible benefits

In making findings pursuant to Title 12, section 685-B, subsection 4 or Title 38, section 484, subsection 3, the primary siting authority shall presume that an expedited wind energy development provides energy and emissions-related benefits described in section 3402 and shall make additional

findings regarding other tangible benefits provided by the development. As provided in Title 12, section 685-B, subsection 4-B, paragraph E and Title 38, section 484, subsection 10, paragraph D, the primary siting authority may not approve a proposed expedited wind energy development unless the applicant demonstrates to the primary siting authority that the proposed generating facility will provide a tangible benefit to ratepayers in the State in the form of a reduction in long-term electric rates. The Department of Labor, the Executive Department, State Planning Office and the Public Utilities Commission shall provide review comments if requested by the primary siting authority.

Sec. 3. 38 MRSA §484, sub-§10, ¶C, as enacted by PL 2007, c. 661, Pt. B, §12, is repealed.

Sec. 4. 38 MRSA §484, sub-§10, ¶D is enacted to read:

D. If the development is an expedited wind energy development, will provide tangible benefits to the State as determined pursuant to Title 35-A, section 3454, one of which must be that the applicant demonstrate to the primary siting authority that the proposed generating facility will provide a tangible benefit to ratepayers in the State in the form of a reduction in long-term electric rates.

SUMMARY

This bill requires that proposals for expedited wind energy development projects must, in addition to current applicable criteria, demonstrate to the siting authority that the proposed generating facility will provide a tangible benefit to Maine ratepayers in the form of a reduction in long-term electric rates.