



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1329

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H.P. 904

House of Representatives, April 14, 2015

### **An Act To Maximize the Benefits of Renewable Energy in Maine**

(EMERGENCY)

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

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative O'CONNOR of Berwick.  
Cosponsored by Senator WOODSOME of York and  
Representatives: DUNPHY of Embden, FOLEY of Wells, GROHMAN of Biddeford,  
HIGGINS of Dover-Foxcroft, TIMBERLAKE of Turner, WADSWORTH of Hiram, Senator:  
McCORMICK of Kennebec.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** wind energy development has the potential to significantly affect the  
4 State's environment and quality of place assets; and

5           **Whereas,** the process for approving the siting of wind energy development needs to  
6 be modified immediately to ensure appropriate factors are considered; and

7           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
8 the meaning of the Constitution of Maine and require the following legislation as  
9 immediately necessary for the preservation of the public peace, health and safety; now,  
10 therefore,

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

12           **Sec. 1. 35-A MRSA §3210-C, sub-§1, ¶A,** as amended by PL 2007, c. 293, §1,  
13 is further amended to read:

14           A. "Capacity resource" means any renewable capacity resource, nonrenewable  
15 capacity resource or ~~interruptible~~, demand response or energy efficiency capacity  
16 resource.

17           **Sec. 2. 35-A MRSA §3210-C, sub-§1, ¶A-2** is enacted to read:

18           A-2. "Firm" means, with respect to a capacity resource or energy, the portion of the  
19 capacity or energy that is guaranteed to be available at a given time.

20           **Sec. 3. 35-A MRSA §3210-C, sub-§1, ¶B,** as enacted by PL 2005, c. 677, Pt. C,  
21 §1, is amended to read:

22           B. "~~Interruptible, demand~~ Demand response or energy efficiency capacity resource"  
23 means a resource that has demand response, ~~interruptible~~ or energy efficiency  
24 capacity recognized by the commission.

25           **Sec. 4. 35-A MRSA §3210-C, sub-§3,** as amended by PL 2013, c. 424, Pt. A,  
26 §20, is further amended to read:

27           **3. Commission authority.** The commission may direct investor-owned  
28 transmission and distribution utilities to enter into long-term contracts for:

29           A. ~~Capacity~~ Firm capacity resources;

30           B. Any available firm energy associated with firm capacity resources contracted  
31 under paragraph A:

32                   (1) To the extent necessary to fulfill the policy of subsection 2, paragraph A; or

33                   (2) If the commission determines appropriate for purposes of supplying or  
34 lowering the cost of standard-offer service or otherwise lowering the cost of  
35 electricity for the ratepayers in the State. Available energy contracted pursuant to  
36 this subparagraph must be firm and energy may be sold into the wholesale

1 electricity market in conjunction with solicitations for standard-offer supply bids;  
2 and

3 C. Any available renewable energy credits associated with firm capacity resources  
4 contracted under paragraph A. The price paid by the investor-owned transmission  
5 and distribution utility for the renewable energy credits must be lower than the price  
6 received for those renewable energy credits at the time they are sold by the  
7 investor-owned transmission and distribution utility.

8 The commission may permit, but may not require, investor-owned transmission and  
9 distribution utilities to enter into contracts for differences that are designed and intended  
10 to buffer ratepayers in the State from potential negative impacts from transmission  
11 development. To the greatest extent possible, the commission shall develop procedures  
12 for long-term contracts for investor-owned transmission and distribution utilities under  
13 this subsection having the same legal and financial effect as the procedures used for  
14 standard-offer service pursuant to section 3212 for investor-owned transmission and  
15 distribution utilities.

16 The commission may enter into contracts for ~~interruptible~~, demand response or energy  
17 efficiency capacity resources. These contracts are not subject to the rules of the State  
18 Purchasing Agent. In a competitive solicitation conducted pursuant to subsection 6, the  
19 commission shall allow transmission and distribution utilities to submit bids for  
20 ~~interruptible~~ or demand response capacity resources.

21 ~~Capacity~~ Firm capacity resources contracted under this subsection may not exceed the  
22 amount necessary to ensure the reliability of the electric grid of this State, to meet the  
23 energy efficiency program budget allocations articulated in the triennial plan as approved  
24 by the commission pursuant to section 10104, subsection 4 or any annual update plan  
25 approved by the commission pursuant to section 10104, subsection 6 or to lower  
26 customer costs as determined by the commission pursuant to rules adopted under  
27 subsection 10.

28 Unless the commission determines the public interest requires otherwise, a firm capacity  
29 resource may not be contracted under this subsection unless the commission determines  
30 that the firm capacity resource is recognized as a capacity resource for purposes of any  
31 regional or federal capacity requirements.

32 The commission shall ensure that any long-term contract authorized under this subsection  
33 is consistent with the State's goals for greenhouse gas reduction under Title 38, section  
34 576 and the regional greenhouse gas initiative as described in the state climate action plan  
35 required in Title 38, section 577.

36 **Sec. 5. 35-A MRSA §3210-C, sub-§4**, as amended by PL 2007, c. 293, §3, is  
37 further amended to read:

38 **4. Priority of firm capacity resources.** In selecting capacity resources for  
39 contracting pursuant to subsection 3, the commission shall apply the following standards.

40 A. The commission shall select firm capacity resources that are competitive and the  
41 lowest price when compared to other available offers for capacity resources of the  
42 same or similar contract duration or terms.

1 B. Among firm capacity resources meeting the standard in paragraph A, the  
2 commission shall choose among capacity resources in the following order of priority:

3 (1) New ~~interruptible~~, demand response or energy efficiency capacity resources  
4 located in this State;

5 (2) New renewable firm capacity resources ~~located in this State~~;

6 (3) New firm capacity resources with no net emission of greenhouse gases;

7 (4) New nonrenewable firm capacity resources ~~located in this State~~. The  
8 commission shall give preference to new nonrenewable firm capacity resources  
9 with no net emission of greenhouse gases;

10 (5) ~~Capacity~~ Firm capacity resources that enhance the reliability of the electric  
11 grid of this State. The commission shall give preference to capacity resources  
12 with no net emission of greenhouse gases; and

13 (6) Other firm capacity resources.

14 **Sec. 6. 35-A MRSA §3210-C, sub-§6**, as amended by PL 2009, c. 518, §4, is  
15 further amended to read:

16 **6. Competitive solicitation process and contract negotiation.** Except as provided  
17 in paragraph A, for purposes of selecting potential firm capacity resources for contracting  
18 pursuant to subsection 3, the commission shall conduct a competitive solicitation no less  
19 often than every 3 years if the commission determines that the likely benefits to  
20 ratepayers resulting from any contracts entered into as a result of the solicitation process  
21 will exceed the likely costs. Following review of bids, the commission may negotiate  
22 with one or more potential suppliers. When only one bid has been offered, the  
23 commission shall ensure that negotiations are based on full project cost disclosure by the  
24 potential supplier. The commission shall negotiate contracts that are commercially  
25 reasonable and that commit all parties to commercially reasonable behavior.

26 A. The commission shall, for purposes of selecting energy efficiency capacity  
27 resources and available energy associated with such resources for contracting  
28 pursuant to subsection 3, conduct a competitive solicitation in accordance with this  
29 subsection or contract with the Efficiency Maine Trust established in section 10103  
30 to deliver those resources through a competitive solicitation process administered by  
31 the trust.

32 **Sec. 7. 35-A MRSA §3210-C, sub-§11**, as enacted by PL 2011, c. 413, §3, is  
33 amended to read:

34 **11. Customer benefits.** The commission may direct investor-owned transmission  
35 and distribution utilities to enter into contracts under this section only as agents for their  
36 customers and only when such contracts are in the best interest of customers and in  
37 accordance with this subsection. The commission shall adopt rules to ensure that:

38 A. To the extent the benefits to ratepayers of a long-term contract are projected to  
39 occur in the later years of the contract term, the commission shall ensure that

1 adequate financial security is in place so that it is reasonably likely ratepayers will  
2 obtain the projected benefits of the long-term contract; ~~and~~

3 B. To the extent practicable, ratepayers obtain the benefit of lower cost firm capacity  
4 resources of energy associated with those resources or of any renewable energy  
5 credits that may exist after the term of primary financing or subsequent replacement  
6 financing necessary for the development and construction of a generation project is  
7 completed; ~~and~~

8 C. Contracts for capacity are only for firm capacity resources.

9 **Sec. 8. 35-A MRSA §3402**, as amended by PL 2009, c. 615, Pt. A, §2 and PL  
10 2011, c. 682, §38, is further amended to read:

11 **§3402. Legislative findings**

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

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

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

41 ~~B. At present and increasingly in the future with anticipated technological advances~~  
42 ~~that promise to increase the number of places in the State where grid-scale wind~~

1 energy development is economically viable, and changes in the electrical power  
2 market that favor clean power sources, wind energy may be used to displace  
3 electrical power that is generated from fossil fuel combustion and thus reduce our  
4 citizens' dependence on imported oil and natural gas and improve environmental  
5 quality and state and regional energy security; and

6 ~~C. Renewable energy resources within the State and in the Gulf of Maine have the~~  
7 ~~potential, over time, to provide enough energy for the State's homeowners and~~  
8 ~~businesses to reduce their use of oil and liquid petroleum fueled heating systems by~~  
9 ~~transition to alternative, renewable energy based heating systems and to reduce their~~  
10 ~~use of petroleum fueled motor vehicles by transition to electric powered motor~~  
11 ~~vehicles. Electrification of heating and transportation has potential to increase the~~  
12 ~~State's energy independence, to help stabilize total residential and commercial energy~~  
13 ~~bills and to reduce greenhouse gas emissions.~~

14 **2. Need for modification of regulatory process for siting wind energy**  
15 **developments.** The Legislature finds that it is in the public interest to ~~reduce the~~  
16 ~~potential for controversy regarding~~ improve the process for the siting and permitting of  
17 grid-scale wind energy development by expediting development in places where it is  
18 most compatible with existing patterns of development and resource values when  
19 considered broadly at the landscape level by ensuring against undue environmental and  
20 economic impacts from wind energy developments both individually and cumulatively.  
21 Accordingly, the Legislature finds that certain aspects of the State's regulatory process for  
22 determining the environmental and economic acceptability of wind energy developments  
23 should be modified to encourage the siting of wind energy developments in ~~these~~ areas  
24 that best serve the State. Such changes include, but are not limited to:

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

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

29 ~~C. Because the Legislature recognizes that wind turbines, including the related~~  
30 ~~excavation, construction practices and transmission infrastructure, are potentially a~~  
31 ~~highly visible feature features of the landscape that will diminish landscape values~~  
32 ~~and have an impact on views and the quality of place assets, judging the effects of~~  
33 ~~wind energy development on scenic character and existing uses related to scenic~~  
34 ~~character based on whether the development significantly compromises views from a~~  
35 ~~scenic resource of state or national significance such that the development has an~~  
36 ~~unreasonable adverse effect on the scenic character or existing uses related to the~~  
37 ~~scenic character of that resource; and, together with other similar development, an~~  
38 ~~adverse effect on the scenic character of the State; and~~

39 ~~D. Because the Legislature recognizes that electricity produced from wind energy~~  
40 ~~may have a potentially detrimental effect on ratepayers, judging the effects of wind~~  
41 ~~energy development on electric rates and charges, both on an individual development~~  
42 ~~and cumulative basis.~~

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;~~

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

8 The Legislature further finds that development of the State's wind or other renewable  
9 energy resources should be undertaken in a manner that ensures significant tangible  
10 benefits to the people of the State, including, but not limited to, ratepayers, taxpayers and  
11 residents of communities that host wind energy facilities; and that the State should seek to  
12 host a substantial amount of or seek consumer access to wind or other renewable energy,  
13 if economically and environmentally appropriate, as part of a strategy to reduce  
14 greenhouse gas emissions and meet the goals established in the state climate action plan  
15 developed pursuant to Title 38, section 577.

16 For purposes of this section, "quality of place assets" means those exceptional,  
17 marketable, place-based competitive strengths, resources and advantages that drive the  
18 local and regional economy and its sustainability, including sustainable economic  
19 activities based on natural resources, including farming, fishing, forestry, nature-based  
20 and heritage-based tourism and outdoor recreation and leisure, and landscapes, including  
21 the working landscapes of farms, forests and waterfronts.

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

26 **Sec. 9. 35-A MRSA §3403, sub-§3,** as enacted by PL 2007, c. 693, §5 and  
27 affected by §37, is amended to read:

28 **3. Certification.** The commission may certify a person as a community wind power  
29 generator if the commission determines that such a certification would support  
30 construction of a community wind power generation facility in this State and that the  
31 person will be the owner of that facility. The person must demonstrate to the commission  
32 that the construction of the community wind power generation facility would not be  
33 likely to occur absent the availability of the benefits under Title 36, section 1760,  
34 subsection 89 and Title 36, sections 2017 and 5219-CC. The commission may not certify  
35 a person as a community wind power generator with respect to a community wind power  
36 generation facility for which the person commenced the site permit application process  
37 prior to August 23, 2006. For the purposes of this subsection, "community wind power  
38 generation facility" means an electricity-generating facility at any one site with  
39 instantaneous generating nameplate capacity of not more than 10 megawatts that is  
40 powered entirely by wind energy.

41 **Sec. 10. 35-A MRSA §3404,** as amended by PL 2009, c. 615, Pt. A, §§3 and 4, is  
42 further amended to read:

1           **§3404. Determination of public policy; energy generation goals**

2           **1. Encouragement of energy development.** It is the policy of the State to ensure  
3 consumer access to viable energy resources outside the State and, in addition, in  
4 furtherance of the goals established in subsection 2, to ~~encourage the attraction~~ explore  
5 the economic viability and environmental impact of appropriately sited development  
6 related to ~~wind~~ renewable energy, including any additional transmission and other energy  
7 infrastructure needed to transport additional offshore wind energy to market, consistent  
8 with all state environmental standards; the permitting and financing of ~~wind~~ renewable  
9 energy projects; and the siting, permitting, financing and construction of ~~wind~~ renewable  
10 energy research and manufacturing facilities.

11           **2. State wind energy generation goals.** ~~The~~ To the extent necessary to meet state  
12 energy needs and to the extent viable when compared with other available renewable  
13 energy generation resources to meet those needs, the goals for wind energy development  
14 in the State are that there be:

15           A. ~~At least 2,000~~ Up to 400 megawatts of installed capacity by 2015;

16           ~~B. At least 3,000 megawatts of installed capacity by 2020, including 300 megawatts~~  
17 ~~or more from generation facilities located in coastal waters, as defined by Title 12,~~  
18 ~~section 6001, subsection 6, or in proximate federal waters; and~~

19           ~~C. At least 8,000 megawatts of installed capacity by 2030, including 5,000~~  
20 ~~megawatts from generation facilities located in coastal waters, as defined by Title 12,~~  
21 ~~section 6001, subsection 6, or in proximate federal waters.~~

22           **Sec. 11. 35-A MRSA §3451-A** is enacted to read:

23           **§3451-A. Requirements for developers**

24           **1. Additional requirements.** In addition to any other requirements of law, a person  
25 proposing a wind energy development shall within 30 days after making a permit filing  
26 with the primary siting authority, establish a fund to conduct technical analysis of the  
27 proposed wind energy development and to pay qualified experts to provide testimony  
28 regarding the proposal. The department by rule shall establish, subject to the limit set out  
29 in Title 38, section 352, subsection 3, the amount of the fund. Rules adopted under this  
30 paragraph are routine technical rules under Title 5, chapter 375, subchapter 2-A.

31           **Sec. 12. 35-A MRSA §3452, sub-§4,** as enacted by PL 2007, c. 661, Pt. A, §7, is  
32 amended to read:

33           **4. Visual impact assessment; rebuttable presumption.** An applicant for an  
34 expedited wind energy development shall provide the primary siting authority with a  
35 visual impact assessment of the development that addresses the evaluation criteria in  
36 subsection 3 if the primary siting authority determines such an assessment is necessary in  
37 accordance with subsection 3. There is a rebuttable presumption that a visual impact  
38 assessment is not required for those portions of the development's generating facilities  
39 that are located more than 3 miles, measured horizontally, from a scenic resource of state  
40 or national significance. The primary siting authority may require a visual impact

1 assessment for portions of the development's generating facilities located more than 3  
2 miles and up to 8 miles from a scenic resource of state or national significance if it finds  
3 there is substantial evidence that a visual impact assessment is needed to determine if  
4 there is the potential for significant adverse effects on the scenic resource of state or  
5 national significance. Information intended to rebut the presumption must be submitted  
6 to the primary siting authority by any interested person within 30 days of acceptance of  
7 the application as complete for processing. The primary siting authority shall determine if  
8 the presumption is rebutted based on a preponderance of evidence in the record.

9 The primary siting authority shall make decisions under this subsection based on a  
10 preponderance of evidence in the record.

11 **Sec. 13. 35-A MRSA §3454, first ¶**, as repealed and replaced by PL 2013, c.  
12 424, Pt. A, §21, is amended to read:

13 In making findings pursuant to Title 38, section 484, subsection 3, the primary siting  
14 authority ~~shall~~ may not presume that an expedited wind energy development provides  
15 energy and emissions-related benefits described in section 3402 and shall make ~~additional~~  
16 empirical findings regarding other tangible benefits provided by the development as well  
17 as the environmental and economic impacts of the development. The Department of  
18 Labor, the Governor's Office of Policy and Management, the Governor's Energy Office  
19 and the Public Utilities Commission shall provide review comments if requested by the  
20 primary siting authority.

21 **Sec. 14. 35-A MRSA §3454, sub-§2**, as amended by PL 2011, c. 682, §28, is  
22 further amended to read:

23 **2. Community benefits package requirement.** ~~Except as provided in subsection 3,~~  
24 ~~to demonstrate that an expedited wind energy development provides significant tangible~~  
25 ~~benefits as required in Title 38, section 484, subsection 10, the~~ The applicant for an  
26 expedited wind energy development is required to establish a community benefits  
27 package valued at no less than \$4,000 per year per wind turbine included in the expedited  
28 wind energy development, averaged over a 20-year period approved by the legislative  
29 body of the host community or communities and memorialized as a written agreement  
30 with the host community or communities. This subsection does not affect the property  
31 tax obligations of an expedited wind energy development. There is a lien on real estate of  
32 an expedited wind development located in a host community to secure the receipt by that  
33 host community of all benefits due to that host community under the agreement, which  
34 lien takes precedence over all other claims on such real estate, excepting only claims for  
35 taxes.

36 **Sec. 15. 35-A MRSA §3457, sub-§3** is enacted to read:

37 **3. Decommissioning plans.** The department shall adopt rules to require that  
38 decommissioning plans be submitted to and approved by the department as a condition of  
39 approval in all grid-scale wind energy development. These rules must include, at a  
40 minimum, requirements for full funding for the removal of all components of the wind  
41 energy development, vegetative restoration of the development area and maintenance of  
42 public safety and environmental protection during decommissioning. The department

1 shall require a written guaranty in the form of a performance bond from a 3rd-party  
2 guarantor that ensures sufficient funding of all decommissioning costs regardless of the  
3 point in history of the development at which decommissioning becomes necessary, based  
4 on the department's decommissioning standards in force at the time of application.

5 **Sec. 16. 38 MRSA §352, sub-§3**, as amended by PL 2011, c. 653, §10 and  
6 affected by §33 and amended by c. 657, Pt. W, §5, is further amended to read:

7 **3. Maximum fee.** The commissioner shall set the actual fees and shall publish a  
8 schedule of all fees by November 1st of each year. If the commissioner determines that a  
9 particular application, by virtue of its size, uniqueness, complexity or other relevant  
10 factors, is likely to require significantly more costs than those listed on Table I, the  
11 commissioner may designate that application as subject to special fees. Such a  
12 designation must be made at, or prior to, the time the application is accepted as complete  
13 and may not be based solely on the likelihood of extensive public controversy. The  
14 maximum fee for processing an application may not exceed \$250,000, except that the  
15 maximum fee for processing an application under chapter 3, subchapter 1, article 9 is as  
16 provided for in subsection 4-A. In the case of a wind energy development, the fee plus  
17 the amount of the fund required by Title 35-A, section 3451-A, subsection 1 may not  
18 exceed a total of \$1,000,000. All staff of the department, the Department of Inland  
19 Fisheries and Wildlife, the Department of Agriculture, Conservation and Forestry and the  
20 Department of Marine Resources who have worked on the review of the application,  
21 including, but not limited to, preapplication consultations, shall submit quarterly reports  
22 to the commissioner detailing the time spent on the application and all expenses  
23 attributable to the application, including the costs of any appeals filed by the applicant  
24 and, after taking into consideration the interest of fairness and equity, any other appeals if  
25 the commissioner finds it in the public interest to do so. Any appeal filed by the applicant  
26 of an application fee must be to the agency of jurisdiction of the application. The costs  
27 associated with assistance to the board on an appeal before the board may be separately  
28 charged. The processing fee for that application must be the actual cost to the  
29 department, the Department of Inland Fisheries and Wildlife, the Department of  
30 Agriculture, Conservation and Forestry and the Department of Marine Resources. The  
31 processing fee must be distributed to each department that incurs a cost to be deposited in  
32 the account in which the expenses were incurred in that department to reimburse the  
33 actual cost to that department. The applicant must be billed quarterly and all fees paid  
34 prior to receipt of the permit. At the time of the quarterly billing by the department, the  
35 commissioner shall review the ongoing work of the department to identify, prevent and  
36 mitigate undue delays or vague requirements of the application processing. Nothing in  
37 this section limits the commissioner's authority to enter into an agreement with an  
38 applicant for payment of costs in excess of the maximum fee established in this  
39 subsection.

40 **Emergency clause.** In view of the emergency cited in the preamble, this  
41 legislation takes effect when approved.

1 **SUMMARY**

2 This bill makes a number of changes to the findings, scenic impact provisions and  
3 other provisions of law governing wind energy and renewable energy development. It:

4 1. Modifies legislative findings regarding wind energy to expand the scope of the  
5 findings to include other renewable energy resources and to identify various potential  
6 impacts of wind energy development;

7 2. Reduces state goals for new wind energy development;

8 3. Requires grid-scale wind energy developers to file decommissioning plans and to  
9 provide a performance bond to guarantee the funding for decommissioning;

10 4. Requires that a community benefits package supplied by an expedited wind  
11 energy development to host communities be memorialized as a written agreement and  
12 creates a lien on the real estate of the development to secure the receipt by the host  
13 community of those benefits; and

14 5. Modifies the authority of the Public Utilities Commission to require transmission  
15 and distribution utilities to enter into long-term contracts for renewable energy capacity  
16 resources, and it provides that the Public Utilities Commission may require contracts only  
17 for firm capacity or energy.