

§3453-A. Removal 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. [PL 2015, c. 265, §8 (NEW); PL 2015, c. 265, §10 (AFF).]

1. Removal by petition. 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; [PL 2015, c. 265, §8 (NEW); PL 2015, c. 265, §10 (AFF).]

B. The Maine Land Use Planning Commission receives a petition on or before June 30, 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 [PL 2015, c. 265, §8 (NEW); PL 2015, c. 265, §10 (AFF).]

C. A person does not request substantive review of the petition for removal pursuant to subsection 3 within 45 days of the Maine Land Use Planning Commission posting notice of receipt of the petition on its publicly accessible website. [PL 2015, c. 265, §8 (NEW); PL 2015, c. 265, §10 (AFF).]

The removal of a specified place from the expedited permitting area under this subsection may not prejudice any subsequent petition presented to the Maine Land Use Planning Commission to add the specified place back into the expedited permitting area under section 3453.

[PL 2015, c. 265, §8 (NEW); PL 2015, c. 265, §10 (AFF).]

2. Notice of receipt of petition. Within 5 business days of receipt of a petition for removal under subsection 1, the Maine Land Use Planning Commission shall post notice of receipt of the petition, along with a copy of the petition, on its publicly accessible website. The notice must specify that a person may request substantive review of the petition pursuant to subsection 3. A petition for removal of a specified place from the expedited permitting area is considered pending upon notice of receipt of a petition being posted on the commission's publicly accessible website. The Maine Land Use Planning Commission shall maintain a distribution list of persons who have requested to receive notice of commission receipt of petitions for removal and promptly notify persons on the list when a petition is received. Notwithstanding any other law to the contrary, additional notice of receipt of a petition for removal and additional notice associated with rulemaking to remove a specified place pursuant to subsection 1 is not required.

[PL 2015, c. 265, §8 (NEW); PL 2015, c. 265, §10 (AFF).]

3. Removal by petition with review. A person may, in writing, request substantive review of a petition for removal under subsection 1 by the Maine Land Use Planning Commission. Upon receipt of a timely filed request for substantive review, if the commission finds the requirements of subsection 1, paragraphs A and B are satisfied, the commission shall, by rule, remove a specified place in the unorganized and deorganized areas from the expedited permitting area if it finds the proposed removal:

A. Will not have an unreasonable adverse effect on the State's ability to meet the state goal for wind energy development in proximate federal waters in section 3404, subsection 2; and [PL 2023, c. 481, §10 (AMD).]

B. Is consistent with the principal values and the goals in the comprehensive land use plan adopted by the Maine Land Use Planning Commission pursuant to Title 12, section 685-C. [PL 2015, c. 265, §8 (NEW); PL 2015, c. 265, §10 (AFF).]
[PL 2023, c. 481, §10 (AMD).]

4. Notice of petition review and opportunity for public hearing. Upon receipt of a request for substantive review of a petition for removal pursuant to subsection 3, the Maine Land Use Planning Commission shall, based on available tax records, notify property owners in the specified place of the petition and the request for review, provide an opportunity for public comment on the petition and conduct a public hearing if 5 or more persons request a hearing.
[PL 2015, c. 265, §8 (NEW); PL 2015, c. 265, §10 (AFF).]

5. Exceptions. The following specified places may not be removed from the expedited permitting area under this section:

A. Any specified place within the project boundary of an existing or proposed, legally permitted expedited wind energy development, unless the development permit is revoked or withdrawn; [PL 2015, c. 265, §8 (NEW); PL 2015, c. 265, §10 (AFF).]

B. Any specified place within the project boundary of a proposed expedited wind energy development, as described in the development permit application, that has been accepted for processing by the Department of Environmental Protection, unless the development permit application is denied; and [PL 2015, c. 265, §8 (NEW); PL 2015, c. 265, §10 (AFF).]

C. Any specified place added by rule to the expedited permitting area in accordance with section 3453 prior to January 1, 2016. [PL 2015, c. 265, §8 (NEW); PL 2015, c. 265, §10 (AFF).]

As used in this subsection, "project boundary" means the geographic limits of an existing or proposed expedited wind energy development, as defined by the deeded geographic boundaries of the parcel or parcels of land on which the development or portions thereof are located or proposed to be located.
[PL 2015, c. 265, §8 (NEW); PL 2015, c. 265, §10 (AFF).]

6. Fee. If a person requests substantive review of a petition for removal under subsection 3, notwithstanding Title 12, section 685-F, subsection 1 or any other provision of law to the contrary, the director of the Maine Land Use Planning Commission may assess a processing fee associated with the rulemaking, consistent with the fee that may be collected under Title 12, section 685-F, subsection 2, to cover actual costs, including costs associated with any notice or public hearing and the processing of the rule-making petition for removal. The director also may assess a similar fee to cover actual costs associated with petitions to add a specified place to the expedited permitting area under section 3453.
[PL 2015, c. 265, §8 (NEW); PL 2015, c. 265, §10 (AFF).]

7. Rulemaking. The Maine Land Use Planning Commission may adopt rules implementing this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted pursuant to subsection 3 need not meet the requirements of Title 5, section 8053-A or 8060 but must meet all other applicable requirements in Title 5, chapter 375.
[PL 2015, c. 265, §8 (NEW); PL 2015, c. 265, §10 (AFF).]

SECTION HISTORY

PL 2015, c. 265, §8 (NEW). PL 2015, c. 265, §10 (AFF). PL 2023, c. 481, §10 (AMD).

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