

# MAINE STATE LEGISLATURE

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Report A

SMY  
ROTS

L.D. 1383

Date: 6/3/19 Report A

(Filing No. H-435)

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**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1004, L.D. 1383, Bill, "An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding Transmission and Distribution Utilities"

Amend the bill by striking out the title and substituting the following:

**'An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding High-impact Electric Transmission Lines'**

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

**'Sec. 1. 30-A MRSA §4352, sub-§4**, as amended by PL 2009, c. 615, Pt. G, §1, is further amended to read:

**4. Exemptions.** Real estate used or to be used by a public utility, as defined in Title 35-A, section 102, subsection 13, ~~by a person who is issued a certificate by the Public Utilities Commission under Title 35 A, section 122~~ or by a renewable ocean energy project as defined in Title 12, section 1862, subsection 1, paragraph F-1 is wholly or partially exempt from ~~an~~ a zoning ordinance only when on petition, notice and public hearing the Public Utilities Commission determines that the exemption is reasonably necessary for public welfare and convenience and, if the real estate is used or to be used by a public utility for a high-impact electric transmission line, only if the municipal officers by affirmative vote approve the exemption determined by the commission. The Public Utilities Commission shall adopt by rule procedures to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. For the purposes of this subsection, "high-impact electric transmission line" has the same meaning as in Title 35-A, section 3131, subsection 4-A and "municipal officers" has the same meaning as in section 2001, subsection 10.

**Sec. 2. 35-A MRSA §3131, sub-§4-A**, as enacted by PL 2009, c. 655, Pt. A, §3, is amended to read:

**4-A. High-impact electric transmission line.** "High-impact electric transmission line" means a transmission line greater than 50 miles in length ~~that is not located in a~~

**COMMITTEE AMENDMENT**

1 ~~statutory corridor, as defined in section 122, subsection 1, paragraph F 4, or a petitioned~~  
 2 ~~corridor, as defined in section 122, subsection 1, paragraph D 1, and that is:~~

- 3 ~~A. Constructed to transmit direct current electricity; or~~
- 4 B. Capable of operating at 345 200 kilovolts or more and:
  - 5 (1) Is not a generator interconnection transmission facility as defined in section
  - 6 3132, subsection 1-B; and
  - 7 (2) Is not constructed primarily to provide electric reliability within the State, as
  - 8 determined by the commission.

9 **Sec. 3. 35-A MRSA §3136, sub-§4**, as amended by PL 2007, c. 148, §14, is  
 10 further amended to read:

11 **4. Commission approval required; certificate of public convenience and**  
 12 **necessity; environmental factors.** A location to be taken by eminent domain for such  
 13 transmission or distribution lines must be approved by the commission before a  
 14 transmission and distribution utility can exercise the right of eminent domain granted in  
 15 subsection 1 or subsection 3. A location to be taken by eminent domain for a high-impact  
 16 electric transmission line must also be approved by affirmative vote of the municipal  
 17 officers in the location in which the eminent domain will be exercised before a  
 18 transmission and distribution utility can exercise the right of eminent domain granted in  
 19 subsection 1. The commission may not approve a location to be taken by eminent  
 20 domain for the construction, rebuilding or relocation of a transmission line that requires a  
 21 certificate of public convenience and necessity under section 3132, unless the  
 22 commission has issued a certificate of public convenience and necessity for that  
 23 transmission line. Environmental factors to be considered for proper location of a  
 24 transmission line are not subject to review by the commission under this section when the  
 25 location of the transmission line has received site location of development approval under  
 26 Title 38, section 484. For the purposes of this subsection, "municipal officers" has the  
 27 same meaning as in Title 30-A, section 2001, subsection 10, except that if the location is  
 28 in the unorganized or deorganized territory, municipal officers means the county  
 29 commissioners.'

30 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
 31 section number to read consecutively.

32 **SUMMARY**

33 This amendment replaces the bill. It amends the laws governing municipal zoning  
 34 ordinance exemptions and the right of eminent domain in relation to use of land for a  
 35 high-impact electric transmission line, which is redefined as a line greater than 50 miles  
 36 in length and capable of operating at 200 kilovolts or more that is not a generator  
 37 interconnection facility and is not constructed primarily for electric reliability within the  
 38 State. The amendment provides that the exemption in current law from a municipal  
 39 zoning ordinance when the Public Utilities Commission has determined it is reasonably  
 40 necessary for public convenience and necessity for real estate to be used for a high-  
 41 impact electric transmission line is authorized only if the municipal officers by  
 42 affirmative vote approve the commission's exemption. The amendment also requires a

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COMMITTEE AMENDMENT "A" to H.P. 1004, L.D. 1383

1 transmission and distribution utility, after obtaining approval from the Public Utilities  
2 Commission to take a location by eminent domain for a high-impact electric transmission  
3 line, to obtain the approval of the municipal officers, or county commissioners in the case  
4 of unorganized or deorganized territory, before exercising the right of eminent domain.

5 **FISCAL NOTE REQUIRED**

6 **(See attached)**

**COMMITTEE AMENDMENT**



# 129th MAINE LEGISLATURE

LD 1383

LR 1195(02)

**An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding Transmission and Distribution Utilities**

**Fiscal Note for Bill as Amended by Committee Amendment *A(H-435)***  
**Committee: Energy, Utilities and Technology**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Any additional costs to the Public Utilities Commission as a result of changes to the rules regarding municipal zoning ordinance exemptions and transmission and distribution utilities right of eminent domain when constructing elective transmission lines are anticipated to be minor and can be absorbed within existing budgeted resources.