

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1295

I.B. 1

House of Representatives, March 30, 2021

An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region

Transmitted to the Clerk of the 130th Maine Legislature by the Secretary of State on March 11, 2021 and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 12 MRSA §1852, sub-§4**, as enacted by PL 1997, c. 678, §13 and amended
3 by PL 2013, c. 405, Pt. A, §24, is further amended to read:

4 **4. Lease of public reserved land for utilities and rights-of-way.** The bureau may
5 lease the right, for a term not exceeding 25 years, to:

6 A. Set and maintain or use poles, electric power transmission and telecommunication
7 transmission lines and facilities, roads, bridges and landing strips;

8 B. Lay and maintain or use pipelines and railroad tracks; and

9 C. Establish and maintain or use other rights-of-way.

10 Any such poles, transmission lines and facilities, landing strips, pipelines and railroad
11 tracks under this subsection are deemed to substantially alter the uses of the land within the
12 meaning of the Constitution of Maine, Article IX, Section 23, and a lease or conveyance
13 for the purpose of constructing and operating such poles, transmission lines and facilities,
14 landing strips, pipelines and railroad tracks under this subsection may not be granted
15 without first obtaining the vote of 2/3 of all the members elected to each House of the
16 Legislature.

17 Notwithstanding Title 1, section 302 or any other provision of law to the contrary, this
18 subsection applies retroactively to September 16, 2014.

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

21 **4-A. High-impact electric transmission line.** "High-impact electric transmission
22 line" means a transmission line greater than 50 miles in length ~~that is not located in a~~
23 ~~statutory corridor, as defined in section 122, subsection 1, paragraph F 4, or a petitioned~~
24 ~~corridor, as defined in section 122, subsection 1, paragraph D 1, and that is:~~

25 A. Constructed to transmit direct current electricity; or

26 B. Capable of operating at 345 kilovolts or more and:

27 (1) Is not a generator interconnection transmission facility as defined in section
28 3132, subsection 1-B; and

29 (2) Is not constructed primarily to provide electric reliability, as determined by the
30 commission.

31 **Sec. 3. 35-A MRSA §3132, sub-§6-A**, as enacted by PL 2009, c. 655, Pt. A, §5, is
32 amended to read:

33 **6-A. High-impact electric transmission line; certificate of public convenience and**
34 **necessity.** The commission shall evaluate and render a decision on any petition for a
35 certificate of public convenience and necessity for a high-impact transmission line ~~in~~
36 ~~accordance with section 122, subsection 1-D.~~

37 **Sec. 4. 35-A MRSA §3132, sub-§6-C** is enacted to read:

38 **6-C. High-impact electric transmission line; legislative approval.** In addition to
39 obtaining a certificate of public convenience and necessity, a high-impact electric
40 transmission line may not be constructed anywhere in the State without first obtaining the

1 approval of the Legislature, except that any high-impact electric transmission line crossing
2 or utilizing public lands designated by the Legislature pursuant to Title 12, section 598-A
3 is deemed to substantially alter the land and must be approved by the vote of 2/3 of all the
4 members elected to each House of the Legislature.

5 **Sec. 5. 35-A MRSA §3132, sub-§6-D** is enacted to read:

6 **6-D. High-impact electric transmission line; geographic prohibition.**
7 Notwithstanding subsection 6-C, a high-impact electric transmission line may not be
8 constructed in the Upper Kennebec Region. For the purpose of this subsection, "Upper
9 Kennebec Region" means the approximately 43,300 acres of land located between the
10 Town of Bingham and Wyman Lake, north along the Old Canada Road, Route 201, to the
11 Canadian border, and eastward from the Town of Jackman to encompass Long Pond and
12 westward to the Canadian border, in Somerset County and Franklin County.

13 **Sec. 6. 35-A MRSA §3132, sub-§6-E** is enacted to read:

14 **6-E. Retroactivity.** Notwithstanding Title 1, section 302 or any other provision of
15 law to the contrary, subsections 6-C and 6-D apply retroactively to September 16, 2020 and
16 apply to any high-impact electric transmission line the construction of which had not
17 commenced as of that date.

18 SUMMARY

19 This initiated bill requires the approval of the Legislature for the construction of high-
20 impact electric transmission lines and provides that high-impact electric transmission lines
21 crossing or utilizing public lands must be approved by 2/3 of all the members elected to
22 each House of the Legislature. This initiated bill also prohibits the construction of high-
23 impact electric transmission lines in the Upper Kennebec Region. These provisions apply
24 retroactively to September 16, 2020, the date of filing of this initiative.

25 This initiated bill also requires the approval of 2/3 of all the members elected to each
26 House of the Legislature for any use of public lands for transmission lines and facilities
27 and certain other projects. This provision applies retroactively to September 16, 2014.