

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
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Board of Pesticides Control, from the need to obtain a license under this section for the activity covered by the regulation, when it finds that the exempted activity would leave no significant adverse effect on the quality of the waters of the State.

Sec. 33. 38 MRSA § 417, as last amended by PL 1973, c. 450, § 17, is further amended by adding at the end the following new paragraph:

This section shall not apply to solid waste disposal facilities in operation on July 1, 1977, owned by a municipality or quasi-municipal authority if the operation and maintenance of the facility has been or is approved by the Board of Environmental Protection pursuant to the requirements of chapter 13 and the regulations adopted thereunder.

Effective October 24, 1977

CHAPTER 374

AN ACT Relating to Public Utility Electrical Transmission Lines and Gas and Oil Pipelines.

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

Sec. 1. 35 MRSA § 13-A, 1st sentence, as enacted by PL 1971, c. 476, § 1, is amended to read:

When any electrical company or companies propose to erect within this State a permanently installed power generating facility of more than 1,000 kilowatts, or transmission lines carrying ~~25~~ 100 kilovolts, or more, said company or companies shall file a petition with the commission on a form or forms to be prepared by the commission which shall contain such facts and details as the commission shall reasonably require.

Sec. 2. 35 MRSA § 2306, as last amended by PL 1967, c. 382, § 4, is further amended by inserting at the end the following new sentence:

Environmental factors to be considered for proper location of a transmission line or gas pipeline shall not be subject to review by the Public Utilities Commission when the location of the transmission line has received site location of development approval under Title 38, section 484.

Sec. 3. 38 MRSA § 484, as last amended by PL 1975, c. 240, is further amended by adding after the 7th paragraph the following new paragraphs:

In the case of a transmission line carrying 100 kilovolts or more or a gas pipeline, a permit under this chapter may be obtained prior to any acquisition of lands or easements therefor to be acquired by purchase and such permit shall be obtained prior to any acquisition of land by eminent domain.

Any person making application for site location of development approval pursuant to section 481, et seq., for approval for a transmission line or gas pipeline shall, prior to filing a notification pursuant to section 483, provide notice to each owner of real property upon whose land the applicant proposes to locate a gas pipeline or a transmission line by registered mail, postage prepaid at the land owner's last known address as contained in the applicable tax assessor's records and shall file with the town clerk of each municipality through which the pipeline or a transmission line is proposed to be located, a map demonstrating the intended approximate location of the pipeline or a transmission line within the municipality. The applicant shall not be required to provide notice of his intent to construct a gas pipeline or a transmission line other than as set forth in this paragraph. The board shall receive evidence regarding the location, character and impact on the environment of the proposed transmission line or pipeline. In addition to finding that the requirements of subsections 1 to 4 have been met, the board, in the case of such transmission line or pipelines, shall consider whether any proposed alternatives to the proposed location and character of such transmission line or pipeline may lessen its impact on the environment or the risks it would engender to the public health or safety, without unreasonably increasing its cost. The board may approve or disapprove all or portions of such proposed transmission line or pipeline and shall make such orders regarding its location, character, width and appearance as will lessen its impact on the environment, having regard for any increased costs thereby caused.

Sec. 4. 38 MRSA § 488, as last amended by PL 1973, c. 423, § 10, is further amended to read:

§ 488. Applicability

This Article shall not apply to any development in existence or in possession of applicable state or local licenses to operate or under construction on January 1, 1970, or to any development the construction and operation of which has been specifically authorized by the Legislature prior to May 9, 1970, or to public service corporation transmission lines, except transmission lines carrying 125 kilovolts or more, nor shall it apply to the renewal or revision of leases of parcels of land upon which a structure or structures have been located as of March 15, 1972, nor to the rebuilding or reconstruction of natural gas pipelines or transmission lines within the same right-of-way.

Effective October 24, 1977

CHAPTER 375

AN ACT to Amend the Oil Pollution Control and Discharge Prevention Laws.

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

Sec. 1. 38 MRSA § 416, as last amended by PL 1973, c. 450, § 16, is repealed.