

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

**Whereas**, in order to appoint qualified members to the board, this piece of legislation must take effect before the 90 days after adjournment; and

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

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

**Sec. 1. 5 MRSA §13080-B, sub-§4**, as amended by PL 1993, c. 729, §4, is further amended to read:

**4. Liability.** The liability of the authority is governed by the Maine Tort Claims Act, Title 14, chapter 741. ~~Trustees serving on the board~~ A member of the authority, a member of a board of the authority and an employee of the authority may not be subject to any personal liability for having acted in the service of their duty as board members of the authority within the course and scope of membership or employment to carry out a power or duty under this chapter. The authority shall indemnify a member of the authority, a member of a board of the authority and an employee of the authority against expenses actually and necessarily incurred in connection with the defense of an action or proceeding in which the member or employee is made a party by reason of past or present association with the authority.

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

Effective April 10, 1997.

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**CHAPTER 72**

**S.P. 79 - L.D. 218**

**An Act to Amend the Site Law  
Concerning State and Local Review  
of Transmission Lines**

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

**Sec. 1. 38 MRSA §487-A, sub-§2**, as amended by PL 1995, c. 704, Pt. A, §13 and affected by Pt. C, §2, is further amended to read:

**2. Power generating facilities.** In case of a permanently installed power generating facility of more than 1,000 kilowatts or a transmission line carrying ~~±20~~ 100 kilovolts, or more, proposed to be

erected within this State by an electric utility or utilities, the proposed development, in addition to meeting the requirements of section 484, must also have been approved by the Public Utilities Commission under Title 35-A, section 3132.

In the event that an electric utility or utilities file a notification pursuant to section 485-A before they are issued a certificate of public convenience and necessity by the Public Utilities Commission, they shall file a bond or, in lieu of that bond, satisfactory evidence of financial capacity to make that reimbursement with the department, payable to the department, in a sum satisfactory to the commissioner and in an amount not to exceed \$50,000. This bond or evidence of financial capacity must be conditioned to require the applicant to reimburse the department for its cost incurred in processing any application in the event that the applicant does not receive a certificate of public convenience and necessity.

**Sec. 2. 38 MRSA §487-A, sub-§3**, as amended by PL 1995, c. 704, Pt. A, §14 and affected by Pt. C, §2, is further amended to read:

**3. Easement required; transmission line or gas pipeline.** In the case of a gas pipeline or a transmission line carrying ~~±20~~ 100 kilovolts or more, a permit under this chapter may be obtained prior to any acquisition of lands or easements to be acquired by purchase. The permit must be obtained prior to any acquisition of land by eminent domain.

**Sec. 3. 38 MRSA §488, first ¶**, as amended by PL 1995, c. 704, Pt. A, §15 and affected by Pt. C, §2, is further amended to read:

This article does 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 ~~±20~~ 100 kilovolts or more, nor does 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.

See title page for effective date.

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**CHAPTER 73**

**H.P. 299 - L.D. 363**

**An Act to Clarify the Manner in  
Which Decedents' Estates Are to Be  
Distributed**