

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1316

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H. P. 1092

House of Representatives, March 28, 1977

On motion of Mr. Kelleher of Bangor, referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hall of Sängerville.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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

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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 ~~125~~ 30 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.** 38 MRSA § 484, as last amended by PL 1975, c. 240, is further amended by adding after the 7th paragraph the following new paragraph:

In the case of a transmission line carrying 30 kilovolts or more or a gas or petroleum pipeline, a permit under this chapter shall be obtained prior to any acquisition of lands or easements therefor, whether to be acquired by purchase or taken by eminent domain. Prior to the granting of the permit, the board shall hold a public hearing, adequate notice of which shall be given to the owners of any lands involved, to abutting owners and to the public. A map showing the proposed location and route of such transmission line or pipeline, and a description of any planned equipment and facilities to be placed thereon, shall be available to the public at the offices of the board for at least 30 days before the hearing. At the hearing, 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 lines or pipelines, must find that there is no alternative to the proposed location and character of such transmission line or pipeline which will 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, installation, maintenance and appearance as will lessen its impact on the environment, having regard for any increased costs thereby caused.

Sec. 3. 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~~ 30 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.

#### STATEMENT OF FACT

Gas and oil pipelines and electrical transmission lines of greater than 125 kilovolt capacity currently need Board of Environmental Protection approval under the Site Selection Act. This bill would require the companies involved to get their necessary permits prior to buying the land in question or taking it by eminent domain. In addition, the bill lowers the 125 kilovolt limit in present law, which only provides coverage to the very largest lines, to 30 kilovolts which would include most of the major lines currently planned for the State.

Finally, because the rights-of-way covered under this bill involve the taking of private property by eminent domain by private companies, new standards are provided to protect the public interest in this type of development.