

MAINE STATE LEGISLATURE

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New Draft of H. P. 1092, L. D. 1316

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1855

H. P. 1659

House of Representatives, June 7, 1977

Reported by Mr. Green from Committee on Natural Resources. Sent up for concurrence and ordered printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

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. 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 natural gas pipeline by registered mail, postage prepaid at the land owner's last known address as contained in the applicable tax assessor's rec-

ords and shall file with the town clerk of each municipality through which the pipeline is proposed to be located, a map demonstrating the intended approximate location of the pipeline within the municipality. The applicant shall not be required to provide notice of his intent to construct a natural gas pipeline 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. 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~~ 100 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

Because they do not have the power of eminent domain, oil pipelines are excluded from coverage under the bill. Secondly, the size of electrical lines covered is raised from 30 kilovolts to 100 kilovolts to avoid subjecting the power companies to review for what are distribution lines and not transmission lines. This new draft removes the mandatory hearing language of the bill and clarifies the requirements of notice to persons whose land might be involved in the project. In addition, this new draft makes a distinction between lands acquired by eminent domain and purchase, in that when lands are to be acquired by eminent domain the person making application must first obtain a permit from the Board of Environmental Protection. If the person making application will acquire the lands by purchase he need not first obtain a permit. Finally, this new draft eases the burden placed on the applicant in the bill by requiring that the board simply consider alternatives to the proposed route rather than having to find that there is "no alternative" to the proposed route.