

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2550

H.P. 1865 House of Representatives, March 21, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Utilities suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative MILLS of Bethel.

Cosponsored by Senators ERWIN of Oxford, KANY of
Kennebec, and Representative ERWIN of Rumford.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT to Compensate Municipalities for Land
2 Used for Transmission Lines.
3

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

6 Sec. 1. 30 MRS §2151, sub-§2, ¶M is enacted to
7 read:

8 M. To authorize its municipal officers to
9 negotiate and contract with any domestic or

1 foreign electric utility as provided in section
2 2159.

3 **Sec. 2. 30 MRS** §2159 is enacted to read:

4 §2159. Reimbursement to municipalities for
5 construction of generating facilities or
6 transmission lines

7 1. Ordinances. A municipality may enact any
8 ordinances, not contrary to this chapter, to authorize
9 its municipal officers to negotiate and contract with
10 any domestic or foreign electric utility on such terms
11 and conditions as are in the best interest of the
12 municipality for the payment of a one-time
13 reimbursement charge to the municipality for the
14 construction, rebuilding or relocation of generating
15 facilities or transmission lines within the
16 municipality.

17 For purposes of this section, "domestic electric
18 utility" and "foreign electric utility" have the same
19 meanings as set forth in Title 35-A, section 3131.

20 The municipal officers of towns shall have
21 exclusive power to enact all ordinances authorized by
22 this section. Seven days' notice of the meeting at
23 which those ordinances are to be proposed shall be
24 given in the manner provided for town meetings and
25 those ordinances shall be effective immediately.

26 2. Power of eminent domain not affected.
27 Notwithstanding the right of electric utilities to
28 take and hold lands and easements by right of eminent
29 domain pursuant to Title 35-A, section 3136, a
30 municipality that enacts any ordinance in accordance
31 with this section shall be entitled to a reasonable
32 reimbursement charge based on the factors specified in
33 subsection 3.

34 3. Reimbursement charge; factors. The one-time
35 reimbursement charge authorized by this section shall
36 be based on the following factors:

37 A. The fair market value of the land or easement;

1 B. The impact on the environment, including the
2 loss of scenic landscapes; and

3 C. Risks to public health and safety.

4 4. Failure to agree. In the event that a
5 municipality and an electric utility are unable to
6 reach an agreement concerning an appropriate
7 reimbursement charge, the matter shall be submitted to
8 the Public Utilities Commission in accordance with
9 rules to be promulgated by the commission pursuant to
10 the Maine Administrative Procedure Act, Title 5,
11 chapter 375. The decision of the commission shall be
12 final.

13 Sec. 3. 35-A MRSA §3132, first ¶, as enacted by
14 PL 1987, c. 141, Pt. A, §6, is amended to read:

15 No electric utility may construct any generating
16 facility or transmission line covered by subsections 1
17 or 2 or rebuild or relocate any transmission line as
18 investigated by the commission under subsection 3
19 unless the commission has issued a certificate of
20 public convenience and necessity approving
21 construction, and unless the utility has contracted
22 with the municipality in which the generating facility
23 or transmission line is to be constructed, rebuilt or
24 relocated for the payment of a one-time reimbursement
25 charge as provided in Title 30, section 2159.

26 Sec. 4. 38 MRSA §484, 4th ¶, as amended by PL
27 1987, c. 141, Pt. B, §36, is further amended to read:

28 In case of a permanently installed power
29 generating facility of more than 1,000 kilowatts or a
30 transmission line carrying 100 kilovolts or more
31 proposed to be erected within this State by an
32 electrical company or companies, the proposed
33 development, in addition to meeting the requirements
34 of subsections 1 to 4, shall also have been approved
35 by the Public Utilities Commission under Title 35-A,
36 section 3132, and shall meet the requirements for the
37 one-time reimbursement fee pursuant to Title 30,
38 section 2159.

1 STATEMENT OF FACT

2 This bill permits a municipality to enact
3 ordinances to authorize its municipal officers to
4 negotiate and contract with any domestic or foreign
5 electric utility for the payment of a one-time
6 reimbursement charge to the municipality for the
7 construction, rebuilding or relocation of any
8 generating facility or transmission line in that
9 municipality.

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