

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1986

S.P. 761

In Senate, December 18, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Secretary of the Senate on December 18, 1989. Referred to the Committee on Utilities and 1,600 ordered printed pursuant to Joint Rule 14.

Joy J. O'Brien
JOY J. O'BRIEN
Secretary of the Senate

Presented by President PRAY of Penobscot.

Cosponsored by Senator CARPENTER of York and Representative AIKMAN of Poland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act Concerning Public Utilities.



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

2
4 Sec. 1. 30-A MRSA §4352, sub-§4, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

6 4. **Exemption for public service corporations.** Real estate used or to be used by a public service corporation is wholly or
8 partially exempt from an a land use or site location ordinance only when on petition, notice and public hearing the Public
10 Utilities Commission determines that the exemption is reasonably necessary for public welfare and convenience.

12 Sec. 2. 30-A MRSA §4352, sub-§9 is enacted to read:

14 9. Application to public utility facilities. A
16 municipality shall approve, approve with conditions or deny a
18 request for approval of construction of a public utility facility
20 within 6 months of receipt of an application for a permit,
special exception, license, variance or similar authorization.

22 Sec. 3. 30-A MRSA §4356, sub-§4 is enacted to read:

24 4. Public utilities. No moratorium shall apply to the
26 construction or location of structures by a public utility or to
a change in the use of land that would make it available for use
by a public utility to provide utility services.

28 Sec. 4. 35-A MRSA §3132, sub-§2, as amended by PL 1989, c. 60,
30 §3, is further amended to read:

32 2. **Line not resulting from construction or purchase.**
34 Except as otherwise provided in subsection 3-A, whenever any
36 electric utility or utilities propose to erect within this State
38 a transmission line capable of operating at 100 kilovolts, or
40 more, and the transmission line does not result from the
42 construction of a generating facility pursuant to this section or
44 the purchase of generating capacity, transmission capacity or
energy, the utility or utilities shall file a petition for the
approval of the proposed line. The petition is subject to the
requirements of subsection 1, paragraphs B and C. The commission
shall issue its order within 6 months after the petition is filed
unless this period is extended as provided in subsection 1,
paragraph D.

46 At the time of filing of a petition for approval of a proposed
48 line under this section, the utility shall send a copy of the
petition by certified mail to the municipal officers of the
municipality or municipalities in which the line is to be located.

50 Sec. 5. 35-A MRSA §3132, sub-§6, as amended by PL 1987, c.
52 387, §1, is further amended to read:

2 **6. Commission order; certificate of public convenience.** In
3 its order, the commission shall make specific findings with
4 regard to the need for the proposed facilities. If the
5 commission finds that a need exists, it shall issue a certificate
6 of public convenience and necessity for the facilities. If the
7 commission orders or allows the erection of the facilities, the
8 order shall be subject to all other provisions of law and the
9 right of any other agency to approve the facilities except that
10 the electric utility may submit a petition for and obtain
11 approval of a proposed line under this section before complying
12 with the provisions of municipal land use and site location
13 ordinances adopted pursuant to Title 30-A, Part 2, Subpart 6-A;
14 and Title 38, section 438-A. The issuance of a certificate of
15 public convenience and necessity establishes that, as of the date
16 of issuance of the certificate, the decision by the utility to
17 erect or construct was prudent.

18

STATEMENT OF FACT

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21 This bill makes the following changes in current law. It
22 allows public utilities to obtain approval for certain
23 transmission lines from the Public Utilities Commission before
24 they apply for local permits. Further, it gives each
25 municipality 6 months to act on an application for a permit to
26 erect a transmission line. Finally, it exempts utilities from
27 local building moratoriums.

28

29 Electric transmission lines carrying bulk power are designed
30 to serve large regions of the State, but are subject to a variety
31 of local zoning and land use ordinances such as height
32 restrictions in each municipality along the route. Local
33 opposition, even to minor upgrades of transmission facilities,
34 has resulted in delays and rerouting of transmission facilities.