

MAINE STATE LEGISLATURE

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L.D. 1660

(Filing No. H-889)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1135, L.D. 1660, Bill, "An Act to Establish the Electric Facilities Siting Council"

Amend the bill by striking out the title and substituting the following:

'An Act to Establish an Electric Facilities Siting Process'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 35-A MRSA §3131, sub-§7 is enacted to read:

7. Corridor. "Corridor" means an area no greater than 1/2 mile in width in which a proposed transmission line is to be located.

Sec. 2. 35-A MRSA §3132, sub-§1, ¶E is enacted to read:

E. The utility or utilities shall send the municipalities in which any part of the proposed transmission line is to be located a copy of the application, including a copy of the proposed corridor or corridors. Any municipality through which any part of the proposed transmission line is to be located that requests to be an intervenor becomes an intervenor to the proceeding.

Sec. 3. 35-A MRSA §3132, sub-§4, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

4. Corridor of proposed transmission line. The electric utility or utilities shall submit a map to the commission at ~~least 14 days prior to a public hearing held by the commission as~~

COMMITTEE AMENDMENT "A" to H.P. 1135, L.D. 1660

~~to the construction of a transmission line with its application.~~
2 The map shall must:

4 A. Be available to the public at the offices of the
6 commission and at the local town office where any portion of
the proposed transmission line is to be located; and

8 B. Indicate the proposed ~~location and route~~ corridor or
10 corridors of the transmission line and a description of any
planned equipment and facilities to be placed there; and

12 C. Be prepared in cooperation with the appropriate natural
14 resource protection agencies and the affected municipalities.

16 **Sec. 4. 35-A MRSA §3132, sub-§6, as amended by PL 1989, c.**
796, §2, is further amended to read:

18 **6. Commission order; certificate of public convenience.** In
20 its order, the commission shall make specific findings with
22 regard to the need for the proposed facilities. If the
24 commission finds that a need exists, it shall issue a certificate
26 of public convenience and necessity for the facilities. If the
28 commission orders or allows the erection of the facilities, the
30 order ~~shall be~~ is subject to all other provisions of law and the
right of any other agency to approve the facilities. The
32 electric utility may submit a petition for and obtain approval of
a proposed transmission line under this section before applying
34 for approval under municipal ordinances adopted pursuant to Title
30-A, Part 2, Subpart 6-A; and Title 38, section 438-A and,
36 except as provided in subsection 4, before identifying a specific
route or route options for the proposed transmission line.
38 Except as provided in subsection 4, the commission may not
consider the petition insufficient for failure to provide
40 identification of a route or route options for the proposed
transmission line. The issuance of a certificate of public
42 convenience and necessity establishes that, as of the date of
issuance of the certificate, the decision by the utility to erect
or construct was prudent. At the time of its issuance of a
certificate of public convenience and necessity, the commission
44 shall send to each municipality through which a proposed corridor
or corridors for a transmission line extends a separate notice
that the issuance of the certificate does not override, supersede
or otherwise affect municipal authority to regulate the siting of
the proposed transmission line.

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FISCAL NOTE

The Public Utilities Commission will incur some minor additional administrative costs from increased advertising and mailing requirements. These costs can be absorbed within the commission's existing budgeted resources.'

STATEMENT OF FACT

This amendment changes the title of the bill and replaces the provisions of the bill with language that accomplishes the following:

1. Requires utilities, when seeking a certificate of public convenience and necessity from the Public Utilities Commission for the siting of a transmission facility, to send to municipalities through which the line is proposed to be located a copy of the application and a copy of the proposed corridor or corridors for the line. A definition of corridor is provided: an area no more than 1/2 mile in width in which the proposed line is to be located. These municipalities, upon request, are granted automatic intervener status in the Public Utilities Commission proceeding;

2. Requires utilities to submit to the Public Utilities Commission with an application for a certificate of public convenience and necessity a map of the proposed corridor in which a proposed transmission facility would be located. This replaces the current requirement that a map of a specific route be presented to the Public Utilities Commission;

3. Requires utilities to prepare maps of corridors in cooperation with appropriate natural resource protection agencies and affected municipalities;

4. Allows utilities to seek a certificate of public convenience and necessity from the Public Utilities Commission for a proposed transmission line without identifying a specific route for the line; and

5. Requires the Public Utilities Commission to provide notice to municipalities through which a proposed transmission line corridor extends that a certificate of public convenience and necessity does not affect municipal authority to regulate the siting of the transmission line.

Reported by the Committee on Utilities.
Reproduced and distributed under the direction of the Clerk of the House.
2/3/92 (Filing No. H.889)