

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 218

S.P. 79

In Senate, January 16, 1997

**An Act to Amend the Site Law Concerning State and Local Review of  
Transmission Lines.**

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Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator TREAT of Kennebec.  
Cosponsored by Senators: KILKELLY of Lincoln, MICHAUD of Penobscot, NUTTING of  
Androscoggin, Representatives: KONTOS of Windham, BERRY of Livermore, COLWELL  
of Gardiner, WRIGHT of Berwick.

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

2  
4       **Sec. 1. 38 MRSA §487-A, sub-§2**, as amended by PL 1995, c. 704,  
Pt. A, §13 and affected by Pt. C, §2, is further amended to read:

6       **2. Power generating facilities.** In case of a permanently  
8 installed power generating facility of more than 1,000 kilowatts  
or a transmission line carrying ~~120~~ 100 kilovolts, or more,  
10 proposed to be erected within this State by an electric utility  
or utilities, the proposed development, in addition to meeting  
12 the requirements of section 484, must also have been approved by  
the Public Utilities Commission under Title 35-A, section 3132.

14 In the event that an electric utility or utilities file a  
16 notification pursuant to section 485-A before they are issued a  
certificate of public convenience and necessity by the Public  
18 Utilities Commission, they shall file a bond or, in lieu of that  
bond, satisfactory evidence of financial capacity to make that  
20 reimbursement with the department, payable to the department, in  
a sum satisfactory to the commissioner and in an amount not to  
22 exceed \$50,000. This bond or evidence of financial capacity must  
be conditioned to require the applicant to reimburse the  
24 department for its cost incurred in processing any application in  
the event that the applicant does not receive a certificate of  
public convenience and necessity.

26       **Sec. 2. 38 MRSA §487-A, sub-§3**, as amended by PL 1995, c. 704,  
28 Pt. A, §14 and affected by Pt. C, §2, is further amended to read:

30       **3. Easement required; transmission line or gas pipeline.**  
32 In the case of a gas pipeline or a transmission line carrying ~~120~~  
100 kilovolts or more, a permit under this chapter may be  
34 obtained prior to any acquisition of lands or easements to be  
acquired by purchase. The permit must be obtained prior to any  
acquisition of land by eminent domain.

36       **Sec. 3. 38 MRSA §488, first ¶**, as amended by PL 1995, c. 704,  
38 Pt. A, §15 and affected by Pt. C, §2, is further amended to read:

40 This article does not apply to any development in existence  
42 or in possession of applicable state or local licenses to operate  
or under construction on January 1, 1970, or to any development  
44 the construction and operation of which has been specifically  
authorized by the Legislature prior to May 9, 1970, or to public  
46 service corporation transmission lines, except transmission lines  
carrying ~~120~~ 100 kilovolts or more, nor does it apply to the  
renewal or revision of leases of parcels of land upon which a

2 structure or structures have been located as of March 15, 1972,  
nor to the rebuilding or reconstruction of natural gas pipelines  
4 or transmission lines within the same right-of-way.

6 **SUMMARY**

8 Current law provides that the development of a transmission  
line carrying 100 kilovolts or more must be approved by the  
10 Public Utilities Commission and is subject to the site location  
of development laws. Effective July 1, 1997, the threshold for  
12 approval of a transmission line by the Public Utilities  
Commission and compliance with the site location of development  
14 laws will be raised to 120 kilovolts. This bill returns this  
threshold to 100 kilovolts.