

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 67

H.P. 75

House of Representatives, January 16, 2003

An Act to Ensure that Utility Property is used to Further the Public Interest

Reference to the Committee on Utilities and Energy suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GOODWIN of Pembroke.

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

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Sec. 1. 35-A MRSA §3136, sub-§1, as amended by PL 1999, c. 398, Pt. A, §51 and affected by §§104 and 105, is further amended to read:

1. Land necessary for location of transmission lines carrying 5,000 volts. Any transmission and distribution utility may take and hold by right of eminent domain lands and easements necessary for the proper location of its transmission lines that are designed to carry voltages of 5,000 volts or more and of necessary appurtenances, ~~located within the territory in which the utility is authorized to do public utility business,~~ in the same manner and under the same conditions as set forth in chapter 65.

Sec. 2. 35-A MRSA §3136, sub-§2, ¶C, as amended by PL 2001, c. 608, §2, is further amended to read:

C. Lands or easements so closely paralleling existing wire lines of other utilities that the proposed transmission lines would substantially interfere with service rendered over the existing lines, except with the consent approval of the owners commission;

Sec. 3. 35-A MRSA §3136, sub-§5 is enacted to read:

5. Change in use; prohibition. A transmission and distribution utility may not use property that it acquires through the exercise of eminent domain, or property that it acquires by other means but that it had authority to take by eminent domain, for any purpose other than the purpose for which the property was acquired and may not sell, lease, convey or otherwise transfer its interest in that property to any other entity, including but not limited to an affiliate of the transmission and distribution utility, without the permission of the commission.

SUMMARY

This bill:

1. Removes the territorial limit in which a transmission and distribution utility may exercise eminent domain to take land for transmission lines;

2. Changes current law from requiring the permission of line owners to requiring the permission of the Public Utilities

2 Commission before a transmission and distribution utility may use
3 eminent domain in acquiring lands or easements so closely
4 paralleling existing wire lines of other utilities that the
5 proposed transmission lines would substantially interfere with
6 service rendered over the existing lines; and

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8 3. Prohibits a transmission and distribution utility from
9 using property that it acquires through the exercise of eminent
10 domain or property that it acquires by other means but that it
11 had authority to take by eminent domain for any purpose other
12 than the purpose for which the property was acquired, and also
13 prohibits the transmission and distribution utility from
14 transferring its interest in that property to any other entity,
including an affiliate, without the permission of the commission.