

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 678

S.P. 215

February 13, 2007

An Act To Limit the Eminent Domain Authority of a Transmission and Distribution Utility

Submitted by the Public Utilities Commission pursuant to Joint Rule 204.
Reference to the Committee on Utilities and Energy 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 BARTLETT of Cumberland.
Cosponsored by Representative BLISS of South Portland.

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

2 **Sec. 1. 35-A MRSA §3136, sub-§5** is enacted to read:

3 **5. Commission approval; certificate of public convenience and necessity.**
4 Notwithstanding the authority granted in this section, a transmission and distribution
5 utility may not take by right of eminent domain lands and easements necessary for the
6 location of a transmission line that requires commission approval pursuant to section
7 3132 unless it has received a certificate of public convenience and necessity from the
8 commission pursuant to section 3132 approving the construction, rebuilding or relocation
9 of the transmission line.

10 **SUMMARY**

11 This bill requires a transmission and distribution utility to obtain approval for the
12 construction, rebuilding or relocation of a transmission line pursuant to the Maine
13 Revised Statutes, Title 35-A, section 3132 before it exercises its eminent domain
14 authority for lands and easements relating to the location of the transmission line.