

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 1935

S.P. 746

December 11, 2007

### **An Act To Promote Competition in Maine's Electric Industry**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 11, 2007. Referred to the Committee on Utilities and Energy pursuant to Joint Rule 308.2 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 STRIMLING of Cumberland.

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

2 **Sec. 1. 35-A MRSA §2102, sub-§1**, as amended by PL 2003, c. 505, §28, is  
3 further amended to read:

4 **1. Approval required.** Except as provided in ~~subsection~~ subsections 2 and 4 and in  
5 section 4507, a public utility may not furnish any of the services set out in section 2101 in  
6 or to any municipality in or to which another public utility is furnishing or is authorized  
7 to furnish a similar service without the approval of the commission. The commission  
8 may condition approval upon the submission of a bond or other financial security if the  
9 commission determines that such a requirement is necessary to ensure that a public utility  
10 has the financial ability to meet its obligations under this Title.

11 **Sec. 2. 35-A MRSA §2102, sub-§4** is enacted to read:

12 **4. Construct, maintain and operate lines.** A person may construct, maintain and  
13 operate electric lines in the manner and with the authority of a transmission and  
14 distribution utility in a municipality in which a transmission and distribution utility is  
15 authorized to serve if the transmission and distribution utility is affiliated with a person  
16 who owns or operates a source of electrical generation in the State.

17 **Sec. 3. 35-A MRSA §2305-B, sub-§2**, as enacted by PL 2001, c. 110, §2, is  
18 amended to read:

19 **2. Persons other than transmission and distribution utilities.** A Except as  
20 provided in section 2102, subsection 4, a person other than a transmission and  
21 distribution utility may not construct or maintain electric lines, including poles or other  
22 related structures, in, upon, along, over, across or under a road, street or other public way  
23 unless:

24 A. The person satisfies the requirements of section 2503;

25 B. The person or the person's contractor hired to construct the line provides to the  
26 applicable licensing authority a performance bond:

27 (1) In the amount of the value of the line, including poles or other related  
28 structures, to be located in the public way; and

29 (2) That is enforceable for one year from the date the line is energized;

30 C. Prior to constructing the line, the person notifies the transmission and distribution  
31 utility in whose service territory the line is proposed to be built of the proposed  
32 location of the line; and

33 D. If a public utility objects to the line on the basis that it may constitute a  
34 duplication of existing transmission or distribution facilities or may interfere with the  
35 adequate and safe delivery of electricity to others, the commission issues a finding  
36 that the line is not a duplication of existing transmission or distribution facilities and  
37 does not interfere with the adequate and safe delivery of electricity to others. A  
38 finding is not required under this paragraph unless a public utility has objected in  
39 writing to the applicable licensing authority.

**SUMMARY**

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2       This bill allows a person other than a transmission and distribution utility to compete  
3 with any transmission and distribution utility that is affiliated with a person who owns or  
4 operates a source of electrical generation in the State.