

MAINE STATE LEGISLATURE

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UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 39, L.D. 44, Bill, "An Act To Require Transmission Lines To Be Placed Underground near Certain Facilities"

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

'An Act Regarding Requirements for Approval of a Transmission Line'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 35-A MRSA §3132, sub-§2, as amended by PL 2007, c. 575, §1, is further amended to read:

2. Construction of transmission line. Except as otherwise provided in subsection 3-A, whenever any person proposes to erect within this State a transmission line capable of operating at 69 kilovolts or more, that person shall file a petition for the approval of the proposed line in accordance with subsection 2-C. The petition for approval of the proposed transmission line must contain such information as the commission by rule prescribes. The petition for approval must be set down for public hearing. The commission shall issue its order within 6 months after the petition is filed unless this period is extended either by agreement of all the parties or by the commission upon its determination that the party seeking the extension would, because of circumstances beyond that party's control, be unreasonably disadvantaged unless the extension were granted, provided that as long as the party to that time had prosecuted its case in good faith and with due diligence.

At the time of filing of a petition for approval of a proposed line under this section, the person filing the petition shall send a copy of the petition by certified mail to the municipal officers of the municipality or municipalities in which the line is to be located.

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

2-C. Petition for approval of proposed transmission line. The petition for approval of the proposed transmission line must contain such information as the commission by rule prescribes, including, but not limited to:

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- 1 A. A description of the effect of the proposed transmission line on public health and
- 2 safety and scenic, historic, recreational and environmental values and of the
- 3 proximity of the proposed transmission line to inhabited dwellings;
- 4 B. Justification for adoption of the route selected, including comparison with
- 5 alternative routes that are environmentally, technically and economically practical;
- 6 and
- 7 C. Results of an investigation of alternatives to construction of the proposed
- 8 transmission line including energy conservation, distributed generation or load
- 9 management.

10 **Sec. 3. 35-A MRSA §3132, sub-§6, as amended by PL 2009, c. 123, §5, is**
11 further amended to read:

12 **6. Commission order; certificate of public convenience and necessity.** In its
13 order, the commission shall make specific findings with regard to the public need for the
14 proposed transmission line. If the commission finds that a public need exists, it shall
15 issue a certificate of public convenience and necessity for the transmission line. In
16 determining public need, the commission shall, at a minimum, take into account
17 economics, reliability, public health and safety, scenic, historic and recreational values,
18 the proximity of the proposed transmission line to inhabited dwellings and alternatives to
19 construction of the transmission line, including energy conservation, distributed
20 generation or load management. If the commission orders or allows the erection of the
21 transmission line, the order is subject to all other provisions of law and the right of any
22 other agency to approve the transmission line. The commission shall, as necessary and in
23 accordance with subsections 7 and 8, consider the findings of the Department of
24 Environmental Protection under Title 38, chapter 3, subchapter 1, article 6, with respect
25 to the proposed transmission line and any modifications ordered by the Department of
26 Environmental Protection to lessen the impact of the proposed transmission line on the
27 environment. A person may submit a petition for and obtain approval of a proposed
28 transmission line under this section before applying for approval under municipal
29 ordinances adopted pursuant to Title 30-A, Part 2, Subpart 6-A; and Title 38, section
30 438-A and, except as provided in subsection 4, before identifying a specific route or route
31 options for the proposed transmission line. Except as provided in subsection 4, the
32 commission may not consider the petition insufficient for failure to provide identification
33 of a route or route options for the proposed transmission line. The issuance of a
34 certificate of public convenience and necessity establishes that, as of the date of issuance
35 of the certificate, the decision by the person to erect or construct was prudent. At the
36 time of its issuance of a certificate of public convenience and necessity, the commission
37 shall send to each municipality through which a proposed corridor or corridors for a
38 transmission line extends a separate notice that the issuance of the certificate does not
39 override, supersede or otherwise affect municipal authority to regulate the siting of the
40 proposed transmission line. The commission may deny a certificate of public convenience
41 and necessity for a transmission line upon a finding that the transmission line is
42 reasonably likely to adversely affect any transmission and distribution utility or its
43 customers.

44 **Sec. 4. 35-A MRSA §3132, sub-§7, as amended by PL 2007, c. 148, §6, is**
45 further amended to read:

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Approved: 05/21/09 *MAC*

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LD 44

LR 98(02)

An Act To Require Transmission Lines To Be Placed Underground near Certain Facilities

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Utilities and Energy

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the Public Utilities Commission associated with amending the rules governing the construction of new transmission lines and other administrative duties can be absorbed within existing budgeted resources.