

MAINE STATE LEGISLATURE

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Report A

8/11/19
R O F S

L.D. 1363

Date: 6/3/19 Report A

(Filing No. H437)

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ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 985, L.D. 1363, Bill, "An Act Regarding Energy Transmission Corridors"

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

'An Act To Amend Certain Laws Relating to High-impact Electric Transmission Lines'

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

'Sec. 1. 35-A MRSA §3131, sub-§4-A, as enacted by PL 2009, c. 655, Pt. A, §3, is amended to read:

4-A. High-impact electric transmission line. "High-impact electric transmission line" means a transmission line greater than 50 miles in length that is not located in a statutory corridor, as defined in section 122, subsection 1, paragraph F 4, or a petitioned corridor, as defined in section 122, subsection 1, paragraph D 1, and that is:

A. Constructed to transmit direct current electricity; or

B. Capable of operating at ~~345~~ 200 kilovolts or more and:

- (1) Is not a generator interconnection transmission facility as defined in section 3132, subsection 1-B; and
- (2) Is not constructed primarily to provide electric reliability within the State, as determined by the commission.

Sec. 2. 35-A MRSA §3132, sub-§6-A, as enacted by PL 2009, c. 655, Pt. A, §5, is amended to read:

6-A. High-impact electric transmission line; certificate of public convenience and necessity. The commission shall evaluate and render a decision on any petition for a certificate of public convenience and necessity for a high-impact electric transmission line in accordance with ~~section 122, subsection 1-D~~ this subsection. The commission may issue a certificate only if:

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1 A. At least 2/3 of the local governments through which the high-impact electric
2 transmission line will pass have:

3 (1) Approved the project by affirmative vote of the local government officers; or

4 (2) Held a local referendum, conducted in accordance with applicable laws
5 relating to elections, and certified to the commission that a majority of the voters
6 voting at the election voted in favor of a question that conforms to the following
7 form: "Do you favor the construction of the (insert name or description of the
8 high-impact electric transmission line) in this municipality?" The commission
9 shall by rule establish any necessary procedures to implement this requirement in
10 a manner that ensures an orderly process. If a referendum under this
11 subparagraph is held, any affirmative vote of the local government officers under
12 subparagraph (1) is superseded by the results of this referendum and the
13 requirement of this paragraph is not met unless a majority of voters voting at the
14 election vote in favor of the question under this subparagraph.

15 For purposes of this paragraph, "local government" means a municipality, except that
16 in the event a high-impact electric transmission line passes through unorganized or
17 deorganized territory, "local government" means the county through which the line
18 passes. For purposes of this paragraph, "local government officers" means municipal
19 officers, except that in the event a high-impact electric transmission line passes
20 through unorganized or deorganized territory, "local government officers" means the
21 county commissioners of the county through which that line passes. A local
22 referendum held under subparagraph (2) on a high-impact electric transmission line
23 passing through unorganized or deorganized territory must be held by the county
24 commissioners only in the townships through which the high-impact electric
25 transmission line passes and in all of those townships in a single referendum;

26 B. The petitioner has filed with the commission, with the Department of
27 Administrative and Financial Services, Maine Revenue Services and with each
28 municipality through which the high-impact electric transmission line will pass the
29 anticipated assessed property value for property tax purposes, including a minimum
30 anticipated assessed property value, of the high-impact electric transmission line for
31 each municipality through which the high-impact electric transmission line will pass;
32 and

33 C. The petitioner has agreed in writing, as a condition of the certificate, to the
34 following:

35 (1) To pay each year for the life of the high-impact electric transmission line, as
36 determined by the commission, to each municipality through which the
37 high-impact electric transmission line will pass, in addition to any property tax
38 assessments due, an amount equal to the amount of any additional taxes that
39 would have been due if the actual assessed valuation of the high-impact electric
40 transmission line was equal to the minimum anticipated assessed property value
41 filed pursuant to paragraph B. If in any year the actual assessed valuation of the
42 high-impact electric transmission line is equal to or greater than the minimum
43 anticipated assessed property value filed pursuant to paragraph B, the amount

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1 required to be paid to the municipality under this subparagraph is the property tax
2 assessment only; and

3 (2) To provide a community benefits package to the State with a total value of no
4 less than \$20,000 per year per megawatt of transmission capacity of the proposed
5 high-impact electric transmission line averaged over a 20-year period. The
6 commission by rule shall determine the method of payment and an equitable
7 allocation of the community benefits package to each municipality through which
8 the high-impact electric transmission line will pass.

9 The commission shall adopt rules necessary to implement this subsection. Rules adopted
10 pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375,
11 subchapter 2-A.

12 **Sec. 3. Moratorium; rulemaking.** No permit, certificate or other approval may
13 be issued by the Public Utilities Commission or the Department of Environmental
14 Protection for a high-impact electric transmission line, as defined in the Maine Revised
15 Statutes, Title 35-A, section 3131, subsection 4-A, after the effective date of this Act until
16 90 days after the adjournment of the Second Regular Session of the 129th Legislature.
17 The Public Utilities Commission shall submit its provisionally adopted rule under Title
18 35-A, section 3132, subsection 6-A to the Legislature for review no later than December
19 31, 2019.'

20 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
21 section number to read consecutively.

22 **SUMMARY**

23 This amendment changes the bill as follows:

24 1. It modifies the definition of "high-impact electric transmission line" to include a
25 transmission line that is:

- 26 A. Greater than 50 miles in length;
- 27 B. Capable of operating at 200 kilovolts or more;
- 28 C. Not a generator interconnection transmission facility; and
- 29 D. Not constructed primarily to provide electric reliability within the State;

30 2. It replaces the requirement that a high-impact electric transmission line provide
31 significant tangible benefits with requirements that:

- 32 A. The petitioner for a certificate of public convenience and necessity for the line
33 pay an amount of tax benefits projected by the petitioner; and
- 34 B. The petitioner for a certificate of public convenience and necessity for the line
35 provide a community benefits package with a total value of no less than \$20,000 per
36 year per megawatt of capacity of the line;

37 3. It requires that at least 2/3 of the local governments through which the

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- 1 high-impact electric transmission line will pass approve the line and clarifies that if a
- 2 referendum vote is held, that vote supersedes any vote by local government officers; and
- 3 4. It makes other clarifying changes.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



R.O.F.S

129th MAINE LEGISLATURE

LD 1363

LR 968(02)

An Act Regarding Energy Transmission Corridors

Fiscal Note for Bill as Amended by Committee Amendment "A(H-437)"
Committee: Energy, Utilities and Technology
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Public Utilities Commission as a result of changes to the rules regarding approval of high-impact electric transmission lines are anticipated to be minor and can be absorbed within existing budgeted resources.