

# MAINE STATE LEGISLATURE

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Report  
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L.D. 1383

Date: 6/3/19 Report C

(Filing No. H-436)

ENERGY, UTILITIES AND TECHNOLOGY

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

COMMITTEE AMENDMENT "B" to H.P. 1004, L.D. 1383, Bill, "An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding Transmission and Distribution Utilities"

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

**'An Act To Require Certain Approvals for New High-impact Electric Transmission Lines'**

Amend the bill by striking out everything after the enacting 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, for which a petition for a certificate of public convenience and necessity under section 3132 is filed after June 1, 2019~~ 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~~ Before rendering 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, the commission shall hold at least one hearing in each county through which the high-impact electric transmission line will pass.~~

**Sec. 3. 35-A MRSA §3136, sub-§4,** as amended by PL 2007, c. 148, §14, is further amended to read:

**4. Commission approval required; certificate of public convenience and necessity; environmental factors.** A location to be taken by eminent domain for such transmission or distribution lines must be approved by the commission before a transmission and distribution utility can exercise the right of eminent domain granted in subsection 1 or subsection 3. A location to be taken by eminent domain for a high-impact electric transmission line must also be approved by affirmative vote of the municipal officers in the location in which the eminent domain will be exercised before a transmission and distribution utility can exercise the right of eminent domain granted in subsection 1. The commission may not approve a location to be taken by eminent domain for the construction, rebuilding or relocation of a transmission line that requires a certificate of public convenience and necessity under section 3132, unless the commission has issued a certificate of public convenience and necessity for that transmission line. Environmental factors to be considered for proper location of a transmission line are not subject to review by the commission under this section when the location of the transmission line has received site location of development approval under Title 38, section 484. For the purposes of this subsection, "municipal officers" has the same meaning as in Title 30-A, section 2001, subsection 10, except that if the location is in the unorganized or deorganized territory, "municipal officers" means the county commissioners.'

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

## SUMMARY

This amendment replaces the bill. The amendment:

1. Modifies the definition of "high-impact electric transmission line" to include only a transmission line that is:

- A. Greater than 50 miles in length and for which a petition for a certificate of public convenience and necessity under the Maine Revised Statutes, Title 35-A, section 3132 is filed after June 1, 2019;
- B. Not a generator interconnection transmission facility;
- C. Capable of operating at 200 kilovolts or more; and
- D. Not constructed to provide electric reliability within the State;

2. Provides that, before issuing a certificate of public convenience and necessity for a high-impact electric transmission line, the Public Utilities Commission must hold hearings in each county through which the line will pass; and

Revised

- 1           3. Requires a transmission and distribution utility, after obtaining approval from the
- 2       Public Utilities Commission to take a location by eminent domain for a high-impact
- 3       electric transmission line, to obtain the approval of the municipal officers, or county
- 4       commissioners in the case of unorganized or deorganized territory, before exercising the
- 5       right of eminent domain.

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**FISCAL NOTE REQUIRED**

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(See attached)



Approved: 05/29/19 *MAC*

# 129th MAINE LEGISLATURE

LD 1383

LR 1195(03)

## An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding Transmission and Distribution Utilities

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Energy, Utilities and Technology

Fiscal Note Required: Yes

*B/H-436*

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### 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 definition of high-impact electric transmission lines, the process of issuing certificates of public convenience and necessity and electric utilities right of eminent domain when constructing elective transmission lines are anticipated to be minor and can be absorbed within existing budgeted resources.