

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1587

H.P. 1176

House of Representatives, April 27, 2021

**An Act To Remove the Municipal Ordinance Exemption for the
Development of Nonessential Transmission Lines**

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LANDRY of Farmington.

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

2 **Sec. 1. 30-A MRSA §4352, sub-§4**, as amended by PL 2009, c. 615, Pt. G, §1, is
3 further amended to read:

4 **4. Exemptions.** Real estate used or to be used by a public utility, as defined in Title
5 35-A, section 102, subsection 13, by a person who is issued a certificate by the Public
6 Utilities Commission under Title 35-A, section 122 or by a renewable ocean energy project
7 as defined in Title 12, section 1862, subsection 1, paragraph F-1 is wholly or partially
8 exempt from an ordinance only when on petition, notice and public hearing the Public
9 Utilities Commission determines that the exemption is reasonably necessary for public
10 welfare and convenience, except that the commission may not determine pursuant to this
11 subsection that real estate used or to be used by an investor-owned transmission and
12 distribution utility for the construction of a nonessential transmission line for the
13 transmission and distribution of electricity from a generation source located outside of the
14 State is wholly or partially exempt from an ordinance. The Public Utilities Commission
15 shall adopt by rule procedures to implement this subsection. Rules adopted pursuant to this
16 subsection are ~~routine technical~~ major substantive rules as defined in Title 5, chapter 375,
17 subchapter 2-A.

18 For the purposes of this subsection, "nonessential transmission line" means a transmission
19 line that is not constructed primarily to provide electric reliability within the State and not
20 constructed primarily to provide electricity to retail customers within the State, as
21 determined by the Public Utilities Commission. A generator interconnection transmission
22 facility as defined in section 3132, subsection 1-B is not a nonessential transmission line.

23 **Sec. 2. 35-A MRSA §3131, sub-§4-A**, as enacted by PL 2009, c. 655, Pt. A, §3, is
24 amended to read:

25 **4-A. High-impact electric transmission line.** "High-impact electric transmission
26 line" means a transmission line greater than 50 miles in length ~~that is not located in a~~
27 ~~statutory corridor, as defined in section 122, subsection 1, paragraph F-4, or a petitioned~~
28 ~~corridor, as defined in section 122, subsection 1, paragraph D-1, and that is:~~

29 A. Constructed to transmit direct current electricity; or

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

31 (1) Is not a generator interconnection transmission facility as defined in section
32 3132, subsection 1-B; and

33 (2) Is not constructed primarily to provide electric reliability, as determined by the
34 commission.

35 **Sec. 3. 35-A MRSA §3132, sub-§6-A**, as enacted by PL 2009, c. 655, Pt. A, §5, is
36 repealed.

37 SUMMARY

38 This bill removes the construction of a nonessential transmission line by an investor-
39 owned transmission and distribution utility for the transmission and distribution of
40 electricity from a generation source located outside of the State from the whole or partial
41 exemption from an ordinance when the Public Utilities Commission determines that the

1 exemption is reasonably necessary for public welfare and convenience. It also changes the
2 rulemaking authority under the Maine Revised Statutes, Title 30-A, section 4352,
3 subsection 4 from routine technical to major substantive.

4 The bill also removes an outdated cross-reference in the law regarding high-impact
5 electric transmission lines.