

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2008

CHAPTER 193
S.P. 884 - L.D. 2254

**Resolve, Regarding ISO New
England**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, reliable and lower-cost electric service is essential to the public welfare of this State; and

Whereas, the development of Maine's indigenous renewable energy resources is vital to this State's economy and is an essential tool to combat climate change; and

Whereas, 2 of Maine's transmission and distribution utilities are members of the Independent System Operator New England regional transmission organization; and

Whereas, the Public Utilities Commission has reported to the Legislature that ISO New England's rules, policies, practices and methods of allocating costs among the New England states have been prejudicial to the interests of Maine consumers and inhibit the full development potential of Maine's indigenous renewable power industry; and

Whereas, the Public Utilities Commission has identified alternatives to ISO New England that may have the potential to lower costs for Maine consumers and better encourage the development of Maine's indigenous renewable power industry; and

Whereas, the State desires to lower energy costs for Maine consumers through altering or concluding its relationship with the ISO New England regional transmission organization, while minimizing uncertainties for indigenous renewable energy developers in this State; and

Whereas, pursuant to paragraph 43 of the stipulation approved by the Public Utilities Commission in PUC Docket No. 2007-355, Central Maine Power Company has agreed to commence a proceeding before the Public Utilities Commission to determine whether it will remain a member of the ISO New England regional transmission organization, a proceeding which may be joined by Bangor Hydro Electric Company; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Public Utilities Commission order regarding alternative structure. Resolved: That

should the Public Utilities Commission determine, in a proceeding pursuant to paragraph 43 of the stipulation approved by the Public Utilities Commission in PUC Docket No. 2007-355, that it is in the interests of Maine consumers, considering, among other factors, the State's policy to encourage the development of indigenous renewable power resources, for Maine's transmission and distribution utilities to provide timely notice of nonrenewal of any membership in Independent System Operator New England, the Public Utilities Commission then shall subsequently, but no earlier than March 31, 2009, order Maine's 3 investor-owned transmission and distribution utilities to file with the commission a plan in accordance with this section to form an alternative structure to hold, manage, dispatch and expand the transmission assets of the investor-owned transmission and distribution utilities.

1. The plan must encourage development of indigenous renewable power resources, including but not limited to wind, tidal, hydroelectric, solar, geothermal and biomass resources, and energy efficiency and conservation resources in the State.

2. The plan must include requests for certificates of public convenience and necessity by the investor-owned utilities to directly interconnect the transmission system of Maine Public Service Company with the transmission system of Bangor Hydro Electric Company or Central Maine Power Company and otherwise expand the transmission system in Maine to maintain reliability and to facilitate the economic interconnection of indigenous renewable power resources. If requests for certificates of public convenience and necessity for such interconnection and reliability projects have already been submitted to the commission for approval prior to the submission of the plan, the plan must address the incorporation of the proposed interconnection and reliability projects, without prejudicing the commission's determination of whether such projects are in the public interest.

3. The plan must include all relevant commercial agreements necessary to implement the plan and petitions for all relevant regulatory approvals.

4. The plan must enable the investor-owned utilities, subject to any required regulatory approvals, to provide timely notice of a decision to not renew membership in, and to effect a withdrawal from, ISO New England no later than the scheduled termination of the regional transmission organization's transmission owners agreement pursuant to its terms.

5. The plan may include proposals for mutually beneficial international arrangements.

After the plan has been filed with the commission, the commission shall undertake a review of the plan and allow for public comment on the plan; and be it further

Sec. 2. Public Utilities Commission report.
Resolved: That no later than January 15, 2009 the Public Utilities Commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding the commission's proceeding pursuant to paragraph 43 of the stipulation approved by the Public Utilities Commission in PUC Docket No. 2007-355. The report must include the commission's findings in that proceeding, including its determination of whether it is in the interests of Maine consumers for Maine's transmission and distribution utilities to provide timely notice of nonrenewal of any membership in Independent System Operator New England. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters, after receiving the report, shall hold a public hearing on the report and, after the hearing, may submit to the First Regular Session of the 124th Legislature legislation relating to the subject matter of the report.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 10, 2008.

CHAPTER 194

S.P. 889 - L.D. 2260

**Resolve, Authorizing the
 Department of Inland Fisheries
 and Wildlife To Convey a
 Certain Easement Interest in
 Lands**

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or have its uses substantially altered except on the vote of 2/3 of all members elected to each House; and

Whereas, the Maine Revised Statutes, Title 5, section 6209, subsection 6 requires that land acquired by the State with funds from the Land for Maine's Future Fund may not be sold or used for purposes other than those stated in the Maine Revised Statutes, Title 5, chapter 353 unless approved by a 2/3 majority of the Legislature; and

Whereas, the real estate that is the subject of this resolve is a state-owned wildlife management area falling under the designations described in the Maine Revised Statutes, Title 12, section 598-A, and was acquired with funds from the Land for Maine's Future Fund; and

Whereas, the easement interest authorized for conveyance by this resolve follows an existing electric

transmission line corridor and expands the width of the cleared areas of said corridor by 10 to 30 feet; now, therefore, be it

Sec. 1. Commissioner of Inland Fisheries and Wildlife authorized to convey certain easement interest in Webster Plantation, County of Penobscot. Resolved: That the Commissioner of Inland Fisheries and Wildlife may by quitclaim deed without covenant convey, upon issuance of necessary approvals by the Maine Department of Environmental Protection, a linear transmission line easement to benefit Evergreen Wind Power V, LLC and its successors and assigns, in Webster Plantation, County of Penobscot, State of Maine. The consideration paid for said linear transmission line easement must be commensurate with the value of the affected wildlife management area, taking into account the existing transmission line corridor, as reasonably determined by the commissioner.

The area for said linear transmission line easement is 80 feet wide and approximately 1.3 miles long, located generally in the place of the existing electric transmission line of Eastern Maine Electric Cooperative, Inc., as said line traverses the Webster Plantation parcel described as Parcel Seven in the deed from Diamond Occidental Forest, Inc. to the State of Maine dated October 11, 1990 and recorded at the Penobscot County Registry of Deeds in Book 4733, Page 365, running generally southeasterly from the Kingman Township/Webster Plantation town line to the Webster Plantation/Prentiss Plantation town line, along the north side of Route 170. The linear transmission line easement strip must be more particularly described by a survey performed by a Maine licensed professional land surveyor at the expense of Evergreen Wind Power V, LLC.

The conveyance of said linear transmission line easement includes the right to enter on adjacent lands to cut or trim and remove such trees growing outside the limits of said strip that may interfere with the transmission line easement rights, in accordance with a protocol agreed upon by the Department of Inland Fisheries and Wildlife, together with the right to ingress into and egress from the above-described strip over and across the land of the State by means of existing roads and lanes, if there be such.

For reference see Parcel Seven in the deed from Diamond Occidental Forest, Inc. to the State of Maine dated October 11, 1990 and recorded at the Penobscot County Registry of Deeds in Book 4733, Page 365; see also Webster Plantation Property Map 1 (dated 1978), showing the general location of said existing electric transmission line.

See title page for effective date.
