

2 Date: (Filing No. H-)

3 **ENERGY, UTILITIES AND TECHNOLOGY**

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5 **STATE OF MAINE**
6 **HOUSE OF REPRESENTATIVES**
7 **129TH LEGISLATURE**
8 **FIRST REGULAR SESSION**9 COMMITTEE AMENDMENT " " to H.P. 1004, L.D. 1383, Bill, "An Act To
10 Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding Transmission
11 and Distribution Utilities"

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

13 **'An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws
14 Regarding High-impact Electric Transmission Lines'**15 Amend the bill by striking out everything after the enacting clause and inserting the
16 following:17 **'Sec. 1. 30-A MRSA §4352, sub-§4,** as amended by PL 2009, c. 615, Pt. G, §1, is
18 further amended to read:19 **4. Exemptions.** Real estate used or to be used by a public utility, as defined in Title
20 35-A, section 102, subsection 13, ~~by a person who is issued a certificate by the Public~~
21 ~~Utilities Commission under Title 35-A, section 122~~ or by a renewable ocean energy
22 project as defined in Title 12, section 1862, subsection 1, paragraph F-1 is wholly or
23 partially exempt from ~~an a zoning~~ ordinance only when on petition, notice and public
24 hearing the Public Utilities Commission determines that the exemption is reasonably
25 necessary for public welfare and convenience and, if the real estate is used or to be used
26 by a public utility for a high-impact electric transmission line, only if the municipal
27 officers by affirmative vote approve the exemption determined by the commission. The
28 Public Utilities Commission shall adopt by rule procedures to implement this subsection.
29 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
30 chapter 375, subchapter 2-A. For the purposes of this subsection, "high-impact electric
31 transmission line" has the same meaning as in Title 35-A, section 3131, subsection 4-A
32 and "municipal officers" has the same meaning as in section 2001, subsection 10.33 **Sec. 2. 35-A MRSA §3131, sub-§4-A,** as enacted by PL 2009, c. 655, Pt. A, §3,
34 is amended to read:35 **4-A. High-impact electric transmission line.** "High-impact electric transmission
36 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. 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. It amends the laws governing municipal zoning ordinance exemptions and the right of eminent domain in relation to use of land for a high-impact electric transmission line, which is redefined as a line greater than 50 miles in length and capable of operating at 200 kilovolts or more that is not a generator interconnection facility and is not constructed primarily for electric reliability within the State. The amendment provides that the exemption in current law from a municipal zoning ordinance when the Public Utilities Commission has determined it is reasonably necessary for public convenience and necessity for real estate to be used for a high-impact electric transmission line is authorized only if the municipal officers by affirmative vote approve the commission's exemption. The amendment also requires a

COMMITTEE AMENDMENT

1 COMMITTEE AMENDMENT “ ” to H.P. 1004, L.D. 1383

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

5 **FISCAL NOTE REQUIRED**

6 **(See attached)**