

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the amendment in Part A in section 3 in §122 in subsection 2 by striking out all of paragraph A (page 2, lines 29 to 32 in amendment) and inserting the following:

'A. The commission may designate an energy infrastructure corridor only by rule. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

(1) The rulemaking to designate an energy infrastructure corridor must include a public hearing in which any member of the public may submit oral or written testimony or comments, which must be incorporated into the rule-making record in accordance with Title 5, section 8052, subsection 1. The commission shall provide an opportunity for examination of the petitioner at a rule-making hearing. The commission shall allow for written comments by any member of the public up to 7 days prior to the hearing. The commission shall allow a second round of written comments to be filed within 10 days of the hearing or within such longer time as the commission may direct.

(2) In any rulemaking regarding the designation of an energy infrastructure corridor, the commission shall address all written comments, including those submitted pursuant to subsection 3, and state its rationale for adopting or rejecting any proposals or recommendations contained in those written comments.

(3) A designation of an energy infrastructure corridor must be based on substantial evidence in the record of the rule-making hearing.

Amend the amendment in Part A in section 3 in §122 in subsection 2 by striking out all of paragraph C (page 2, lines 37 to 40 in amendment) and inserting the following:

'C. The commission shall dismiss a petition for the designation of an energy infrastructure corridor filed under this subsection if, after preliminary review, the commission determines that the petition:

(1) Does not contain sufficient information to support the designation of an energy infrastructure corridor; or

(2) Was filed by a person other than the Office of the Public Advocate, Executive Department, Governor's Office of Energy Independence and Security or an interested person as defined by subsection 1, paragraph E.

Amend the amendment in Part A in section 3 in §122 in subsection 2 in paragraph D in subparagraph (2) in the last 3 lines (page 3, lines 11 to 13 in amendment) by striking out the following: "does not imply that an application for any particular project meets environmental or land use laws and rules or will be approved." and inserting the following: 'has no evidentiary value in a subsequent consolidated environmental permit proceeding undertaken by the department pursuant to subsection 6.'

Amend the amendment in Part A in section 3 in §122 in subsection 3 by striking out all of the first 2 lines (page 3, lines 29 and 30 in amendment) and inserting the following:

3. Consultation and notification required; comments. Prior to designating an energy infrastructure corridor under subsection 2, the commission shall, at a minimum, notify, consult with and accept comments from:

SUMMARY

This amendment requires that rules adopted to designate an energy infrastructure corridor must include a public hearing to allow members of the public to submit testimony or comments. It also requires the Public Utilities Commission to address all comments and state why the commission adopted or rejected any proposal contained in the comments. The amendment also requires the commission to dismiss a petition if the petition was filed by a person other than the Office of the Public Advocate, Executive Department, Governor's Office of Energy Independence and Security or an interested person as defined in the Maine Revised Statutes, Title 35-A, section 122. The amendment also requires the commission to consult, notify and accept comments from certain people prior to designating an energy infrastructure corridor.