

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

An Act To Amend the Laws Governing Decision-making Authority Regarding Energy Infrastructure Corridors

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

Sec. 1. 35-A MRSA §122, sub-§1-B, ¶A, as amended by PL 2011, c. 655, Pt. MM, §14 and affected by §26, is further amended to read:

A. The panel includes the following members:

- (1) The Director of the Governor's Energy Office within the Executive Department or the director's designee;
- (2) The Commissioner of Administrative and Financial Services or the commissioner's designee;
- (3) The commissioner of each department or the director of any other state agency or authority that owns or controls land or assets within the statutory corridor under consideration or that commissioner's or director's designee; ~~and~~
- (4) ~~Four~~Three members of the public appointed by the Governor in accordance with this subparagraph, subject to review by the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and to confirmation by the Senate:
 - (a) One member with expertise in energy and utilities selected from candidates nominated by the President of the Senate;
 - ~~(b) One member with expertise in real estate or finance selected from candidates nominated by the President of the Senate;~~
 - (c) One member representing industrial or commercial energy consumers selected from candidates nominated by the Speaker of the House; and
 - (d) One member representing residential energy consumers selected from candidates nominated by the Speaker of the House.

Public members serve 3-year terms, except that a vacancy must be filled for the unexpired portion of the term. A public member serves until a successor is appointed. A public member may serve a maximum of 2 consecutive terms. Compensation of public members is as provided in Title 5, section 12004-G, subsection 30-D;

(5) The Governor's senior economic advisor; and

(6) The Director of the Governor's Office of Policy and Management within the Executive Department or the director's designee.

Sec. 2. 35-A MRSA §122, sub-§1-B, ¶D, as enacted by PL 2009, c. 655, Pt. A, §2, is amended to read:

D. The panel shall evaluate and render a decision on an energy infrastructure proposal for use of a statutory corridor in accordance with subsection 1-D. The decision must be approved by the Governor prior to the entry by the State into a binding contract for use of a statutory corridor pursuant to this section.

Sec. 3. 35-A MRSA §122, sub-§1-B, ¶F, as enacted by PL 2009, c. 655, Pt. A, §2, is amended to read:

F. The panel shall contract for the services of a professional appraiser or appraisers to assist the panel in its duties under this subsection. The professional appraiser contracted under this paragraph must:

- (1) Have demonstrated experience in the valuation and evaluation of utility corridors or transportation corridors;
- (2) Hold a professional designation from a nationally recognized organization of appraisers; and
- (3) Be licensed by this State as a certified general real property appraiser in accordance with Title 32, section 14035 or hold a comparable license from another state.

The cost of the services of a professional appraiser who provides services in accordance with this paragraph must be paid by potential developers submitting proposals for use of the corridor under this subsection in proportion to the amount of time spent by the appraiser on each potential developer's proposal. Payments for appraisal costs collected from potential developers must be deposited in the energy infrastructure benefits fund established in Title 5, section 282, subsection 9 and may be expended in accordance with the responsibilities of the panel.

Sec. 4. 35-A MRSA §122, sub-§1-D, as enacted by PL 2009, c. 655, Pt. A, §2, is amended to read:

1-D. Energy infrastructure proposal; decision criteria. The deciding authority shall evaluate and render a decision on an energy infrastructure proposal in accordance with this subsection. For the purposes of this subsection, "deciding authority" means the Interagency Review Panel acting under subsection 1-B, paragraph D and subject to the approval of the Governor, or the Public Utilities Commission acting under subsection 5-A or section 3132, subsection 6-A.

A. The deciding authority may approve an energy infrastructure proposal only if the deciding authority finds that the proposal:

(1) Materially enhances or does not harm transmission opportunities for energy generation within the State;

(2) Is reasonably likely to reduce electric rates or other relevant energy prices or costs for residents and businesses within the State relative to the value of those rates, prices or costs but for the proposed energy infrastructure development or, if the deciding authority is unable to determine to its satisfaction the impact of the proposal on rates, prices or costs, the owner or operator of the proposed energy infrastructure agrees to pay annually an amount of money, determined by the deciding authority, to reduce rates, prices or costs over the life of the proposed energy infrastructure; and

(3) Is in the long-term public interest of the State, based on a determination made in accordance with paragraph B.

B. The deciding authority shall determine whether an energy infrastructure proposal is in the long-term public interest of the State. In making that determination, the deciding authority shall, at a minimum, consider the extent to which the proposal:

(1) Materially enhances or does not harm transmission opportunities for energy generation within the State;

(2) Is reasonably likely to reduce electric rates or other relevant energy prices or costs for residents and businesses within the State relative to the expected value of those electric rates or other energy prices or costs but for the proposed energy infrastructure development;

(3) Increases long-term economic benefits for the State, including but not limited to direct financial benefits, employment opportunities and economic development;

(4) Ensures efficient use of the statutory corridor through collocation of energy infrastructure, collaboration between energy infrastructure developers and the preservation of options for future uses;

(5) Minimizes conflict with the public purposes for which the state-owned land or asset is owned and any management plans for the land or asset within the statutory corridor and, when necessary, mitigates unavoidable impacts;

(6) Limits and mitigates the effects of energy infrastructure on the landscape, including but not limited to using underground installation when economically and technically feasible;

(7) Increases the energy reliability, security and independence of the State; and

(8) Reduces the release of greenhouse gases.

Sec. 5. 35-A MRSA §122, sub-§10, as amended by PL 2009, c. 655, Pt. A, §2, is further amended to read:

10. Repeal. This section is repealed July 30, ~~2015~~2017.

Sec. 6. Transition. Notwithstanding the provisions of this Act, the member serving on the Interagency Review Panel pursuant to the Maine Revised Statutes, former Title 35-A, section 122, subsection 1-B, paragraph A, subparagraph (4), division (b) immediately prior to the effective date of this Act continues to serve until the expiration of the member's term or the resignation of the member, whichever occurs first.

SUMMARY

This bill makes the following changes to the laws governing the Interagency Review Panel.

1. It adds as members of the panel the Governor's senior economic advisor and the Director of the Governor's Office of Policy and Management within the Executive Department or the director's designee.
2. It eliminates one of the public members of the panel.
3. It requires that a decision by the panel regarding an energy infrastructure corridor proposal be approved by the Governor before the State may enter into a binding contract with respect to the proposal.
4. It specifies that payments for appraisal costs collected from potential developers of an energy infrastructure corridor must be deposited in the energy infrastructure benefits fund.

This bill also changes the date on which the section of law governing energy infrastructure corridors is scheduled to be repealed from July 30, 2015 to July 30, 2017.