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An Act Regarding Energy Transmission Corridors

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

Whereas, a proposal for a high-impact electric transmission line is currently pending and appropriate standards for review and approval must be in place to ensure the public convenience for the line; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §3131, sub-§4-A, as enacted by PL 2009, c. 655, Pt. A, §3, is amended to read:

4-A. High-impact electric transmission line. "High-impact electric transmission 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 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, as determined by the commission.

Sec. 2. 35-A MRSA §3132, sub-§6-A, as enacted by PL 2009, c. 655, Pt. A, §5, is amended to read:

6-A. High-impact electric transmission line; certificate of public convenience and necessity. The commission shall evaluate and render a decision on any petition for a certificate of public convenience and necessity for a high-impact electric transmission line in accordance with ~~section 122, subsection 1-D~~ this subsection. Before issuing a certificate, the commission must find that:

A. Significant tangible public benefits will result from the construction and use of the line and that the State and at least 2 municipalities through which the high-impact electric transmission line will pass will receive some portion of those significant tangible public benefits; and

B. All municipalities through which the high-impact electric transmission line will pass have held a local referendum, conducted in accordance with the law relating to municipal elections, and certified to the commission that a majority of the voters voting at the election voted in favor of a question that conforms to the following form: "Do you favor the construction of the (insert name or description of the high-impact electric transmission line) in this municipality?" The commission shall by rule establish any necessary procedures to implement this requirement in a manner that ensures an orderly process.

For purposes of this subsection, "significant tangible public benefits" means public benefits, as defined by the commission by rule, but not including property tax payments or temporary line construction jobs directly relating to the line, generated in this State over a period of 20 years in an amount that the commission finds to be appropriately commensurate with, but in no case less than 2% of, the total benefits expected to result from the line to the entity submitting the petition under this subsection and to any other entities that will be involved in the construction or operation of the line and to any entities expected to provide generation service, as defined in section 3201, through the line. Rules adopted by the commission under this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Moratorium. No permit, certificate or other approval may be issued by the Public Utilities Commission or the Department of Environmental Protection for a high-impact electric transmission line, as defined in the Maine Revised Statutes, Title 35-A, section 3131, subsection 4-A, after the effective date of this Act until 90 days after the adjournment of the Second Regular Session of the 129th Legislature. The Public Utilities Commission, in consultation with the Department of Environmental Protection, shall provisionally adopt a rule in accordance with Title 35-A, section 3132, subsection 6-A defining the significant tangible benefits that the State and affected municipalities must receive from the construction or use of a high-impact electric transmission line and establishing an orderly process for municipalities to hold referendum votes on a proposal to construct a high-impact electric transmission line. The commission shall submit its provisionally adopted rule to the Legislature for review no later than December 31, 2019.

Sec. 4. Rulemaking. In adopting rules to define "significant tangible public benefits" under the Maine Revised Statutes, Title 35-A, section 3132, subsection 6-A, the Public Utilities Commission shall consult with the Department of Environmental Protection and the Maine Land Use Planning Commission.

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

SUMMARY

This bill prohibits the Public Utilities Commission from issuing a certificate of public convenience and necessity for a high-impact electric transmission line unless the commission finds significant tangible public benefits will result from the construction and use of the line, and all municipalities through which the high-impact electric transmission line will pass have held a local referendum and certified to the commission that a majority of the voters voting at the election voted in favor of the construction of the line through that municipality.

This bill also establishes a moratorium on the issuance of any permit, certificate or other approval by the Public Utilities Commission or the Department of Environmental Protection for a high-impact electric transmission line until 90 days after the adjournment of the Second Regular Session of the 129th Legislature to allow time for the commission, in consultation with the Department of Environmental Protection, to adopt rules necessary to implement the requirements of the legislation.