**An Act To Remove the Municipal Ordinance Exemption for the Development of Nonessential Transmission Lines**

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

**Sec.** **1. 30-A MRSA §4352, sub-§4,** as amended by PL 2009, c. 615, Pt. G, §1, is further amended to read:

**4.** **Exemptions.**  Real estate used or to be used by a public utility, as defined in Title 35‑A, section 102, subsection 13, by a person who is issued a certificate by the Public Utilities Commission under Title 35‑A, section 122 or by a renewable ocean energy project as defined in Title 12, section 1862, subsection 1, paragraph F‑1 is wholly or partially exempt from an ordinance only when on petition, notice and public hearing the Public Utilities Commission determines that the exemption is reasonably necessary for public welfare and convenience, except that the commission may not determine pursuant to this subsection that real estate used or to be used by an investor-owned transmission and distribution utility for the construction of a nonessential transmission line for the transmission and distribution of electricity from a generation source located outside of the State is wholly or partially exempt from an ordinance. The Public Utilities Commission shall adopt by rule procedures to implement this subsection. Rules adopted pursuant to this subsection are ~~routine technical~~ major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

For the purposes of this subsection, "nonessential transmission line" means a transmission line that is not constructed primarily to provide electric reliability within the State and not constructed primarily to provide electricity to retail customers within the State, as determined by the Public Utilities Commission. A generator interconnection transmission facility as defined in section 3132, subsection 1-B is not a nonessential transmission line.

**Sec.** **2. 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.** **3. 35-A MRSA §3132, sub-§6-A,** as enacted by PL 2009, c. 655, Pt. A, §5, is repealed.

**SUMMARY**

This bill removes the construction of a nonessential transmission line by an investor-owned transmission and distribution utility for the transmission and distribution of electricity from a generation source located outside of the State from the whole or partial exemption from an ordinance when the Public Utilities Commission determines that the exemption is reasonably necessary for public welfare and convenience. It also changes the rulemaking authority under the Maine Revised Statutes, Title 30-A, section 4352, subsection 4 from routine technical to major substantive.

The bill also removes an outdated cross-reference in the law regarding high-impact electric transmission lines.