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Date: (Filing No. H-)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1004, L.D. 1383, Bill, “An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding Transmission and Distribution Utilities”

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

'An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding High-impact Electric Transmission Lines'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'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~~ a zoning 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 and, if the real estate is used or to be used by a public utility for a high-impact electric transmission line, only if the municipal officers by affirmative vote approve the exemption determined by the commission. The Public Utilities Commission shall adopt by rule procedures to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. For the purposes of this subsection, "high-impact electric transmission line" has the same meaning as in Title 35-A, section 3131, subsection 4-A and "municipal officers" has the same meaning as in section 2001, subsection 10.

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~~

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1 statutory corridor, as defined in section 122, subsection 1, paragraph F-4, or a petitioned
2 corridor, as defined in section 122, subsection 1, paragraph D-1, and that is:

3 A. ~~Constructed to transmit direct current electricity; or~~

4 B. Capable of operating at 345 200 kilovolts or more and:

5 (1) Is not a generator interconnection transmission facility as defined in section
6 3132, subsection 1-B; and

7 (2) Is not constructed primarily to provide electric reliability within the State, as
8 determined by the commission.

9 **Sec. 3. 35-A MRSA §3136, sub-§4**, as amended by PL 2007, c. 148, §14, is
10 further amended to read:

11 **4. Commission approval required; certificate of public convenience and**
12 **necessity; environmental factors.** A location to be taken by eminent domain for such
13 transmission or distribution lines must be approved by the commission before a
14 transmission and distribution utility can exercise the right of eminent domain granted in
15 subsection 1 or subsection 3. A location to be taken by eminent domain for a high-impact
16 electric transmission line must also be approved by affirmative vote of the municipal
17 officers in the location in which the eminent domain will be exercised before a
18 transmission and distribution utility can exercise the right of eminent domain granted in
19 subsection 1. The commission may not approve a location to be taken by eminent
20 domain for the construction, rebuilding or relocation of a transmission line that requires a
21 certificate of public convenience and necessity under section 3132, unless the
22 commission has issued a certificate of public convenience and necessity for that
23 transmission line. Environmental factors to be considered for proper location of a
24 transmission line are not subject to review by the commission under this section when the
25 location of the transmission line has received site location of development approval under
26 Title 38, section 484. For the purposes of this subsection, "municipal officers" has the
27 same meaning as in Title 30-A, section 2001, subsection 10, except that if the location is
28 in the unorganized or deorganized territory, municipal officers means the county
29 commissioners.'

30 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
31 section number to read consecutively.

32 **SUMMARY**

33 This amendment replaces the bill. It amends the laws governing municipal zoning
34 ordinance exemptions and the right of eminent domain in relation to use of land for a
35 high-impact electric transmission line, which is redefined as a line greater than 50 miles
36 in length and capable of operating at 200 kilovolts or more that is not a generator
37 interconnection facility and is not constructed primarily for electric reliability within the
38 State. The amendment provides that the exemption in current law from a municipal
39 zoning ordinance when the Public Utilities Commission has determined it is reasonably
40 necessary for public convenience and necessity for real estate to be used for a high-
41 impact electric transmission line is authorized only if the municipal officers by
42 affirmative vote approve the commission's exemption. The amendment also requires a

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

5

FISCAL NOTE REQUIRED

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(See attached)