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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 Require Certain Approvals for New High-impact Electric Transmission Lines'

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

'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, for which a petition for a certificate of public convenience and necessity under section 3132 is filed after June 1, 2019 and that is:

A. Constructed to transmit direct current electricity; or

B. Capable of operating at 345 200 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 within the State, 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 Before rendering a decision on

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1 any petition for a certificate of public convenience and necessity for a high-impact
2 electric transmission line in accordance with section 122, subsection 1-D, the commission
3 shall hold at least one hearing in each county through which the high-impact electric
4 transmission line will pass.

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

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

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

28 SUMMARY

29 This amendment replaces the bill. The amendment:

30 1. Modifies the definition of "high-impact electric transmission line" to include only
31 a transmission line that is:

32 A. Greater than 50 miles in length and for which a petition for a certificate of public
33 convenience and necessity under the Maine Revised Statutes, Title 35-A, section
34 3132 is filed after June 1, 2019;

35 B. Not a generator interconnection transmission facility;

36 C. Capable of operating at 200 kilovolts or more; and

37 D. Not constructed to provide electric reliability within the State;

38 2. Provides that, before issuing a certificate of public convenience and necessity for a
39 high-impact electric transmission line, the Public Utilities Commission must hold
40 hearings in each county through which the line will pass; and

