



STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

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**Testimony Neither For Nor Against**

**LD 1587 – An Act To Remove the Municipal Ordinance Exemption for the Development of  
Nonessential Transmission Lines**

May 4, 2021

Senator Lawrence, Representative Berry, honorable members of the Committee on Energy, Utilities, and Technology, the Public Utilities Commission (Commission) testifies neither for nor against LD [1587](#), *An Act To Remove the Municipal Ordinance Exemption for the Development of Nonessential Transmission Lines*.

LD 1587

This Act would remove the exemption in existing law, Title 30-A, section 4352, allowing the Commission to override municipal ordinances when it finds that a transmission line project is reasonably necessary for the public welfare and convenience of the State of Maine. The Act removes this exemption for a “nonessential transmission line,” which is defined as “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.”

Background

Under current law, real estate that is to be used by a public utility is wholly or partially exempt from a local ordinance. This exemption may only occur upon a petition, notice and public hearing, after which the Commission determines that the exemption is reasonably necessary for public welfare and convenience.

With respect to transmission line projects, prior to construction a transmission and distribution (T&D) utility must obtain a certificate of public convenience and necessity (CPCN) from the Commission. The Commission, after a public hearing, may issue a CPCN only upon a finding that there is a public need, taking into account, at a minimum:

- Economics;
- Reliability;

- Public health and safety;
- Scenic, historic and recreational values;
- State renewable energy generation goals;
- Proximity of the proposed transmission line to inhabited dwellings; and
- Nontransmission alternatives to construction of the transmission line, including energy conservation, distributed generation or load management.

The statute also specifies that any Commission-issued CPCN is subject to all other provisions of law and the right of any other agency to approve the transmission line, such as the Department of Environmental Protection. These review requirements would apply to all transmission line projects, including “nonessential” projects as defined in the Act.

### Future Grid

Maine (as well as many other States) has adopted substantial climate change goals which include a significant increase in renewable energy generation and electrification for motor vehicle transport and heating and cooling (through the installation of heat pumps). To accomplish these goals, there must be a transition to a modernized electric grid that can accommodate larger amounts of both grid-scale and distributed renewable resources.

This transition will inevitably include new major transmission construction projects throughout the State. In the context of future grid modernization, it may be difficult to neatly categorize projects as “essential” or “nonessential” based on whether they are primarily for reliability or to serve Maine residents. For example, the construction of a transmission line to connect northern Maine with the New England grid may allow for significant renewable power generation development in northern Maine to be sold, at least initially, to other New England states at little or no cost to Maine ratepayers. Such a transmission line project may serve Maine’s climate goals, and offer reliability and renewable energy supply benefits to Maine over the long-term, but could be considered a “nonessential” transmission line under LD 1587 based on its initial use at the time of construction. The Committee may want to clarify the definition of “nonessential” as well as consider how this legislation fits within the larger context of the state’s climate goals.

To conclude, the Commission emphasizes that any transmission line, regardless of its purpose, would have to obtain a CPCN after an extensive Commission review that includes all public input.

The Commission welcomes any questions and will be present for the work session.

Sincerely,



/s/ Philip L Bartlett II  
Chair

cc: Energy, Utilities, and Technology Committee Members  
Deirdre Schneider and Daniel Tartakoff, Legislative Analysts