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An Act To Limit the Eminent Domain Authority of a Transmission and Distribution Utility

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

Sec. 1. 35-A MRSA §3136, sub-§5 is enacted to read:

5. Commission approval; certificate of public convenience and necessity.

Notwithstanding the authority granted in this section, a transmission and distribution utility may not take by right of eminent domain lands and easements necessary for the location of a transmission line that requires commission approval pursuant to section 3132 unless it has received a certificate of public convenience and necessity from the commission pursuant to section 3132 approving the construction, rebuilding or relocation of the transmission line.

SUMMARY

This bill requires a transmission and distribution utility to obtain approval for the construction, rebuilding or relocation of a transmission line pursuant to the Maine Revised Statutes, Title 35-A, section 3132 before it exercises its eminent domain authority for lands and easements relating to the location of the transmission line.