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H.P. 106

House of Representatives, January 29, 2013

An Act To Secure the Safety of Electrical Power Transmission Lines

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BOLAND of Sanford.
Cosponsored by Senator PATRICK of Oxford and
Representatives: BEAVERS of South Berwick, CHAPMAN of Brooksville, COTTA of China,
DUNPHY of Embden, FITZPATRICK of Houlton, JONES of Freedom, PEOPLES of
Westbrook, Senator: BURNS of Washington.

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

2 **Sec. 1. 35-A MRSA §122, sub-§1, ¶A-1** is enacted to read:

3 A-1. "Electromagnetic pulse" means one or more pulses of electromagnetic energy
4 capable of disabling, disrupting or destroying a transmission and distribution system.

5 **Sec. 2. 35-A MRSA §122, sub-§1, ¶C-1** is enacted to read:

6 C-1. "Geomagnetic storm" means a temporary disturbance of the Earth's magnetic
7 field resulting from solar activity.

8 **Sec. 3. 35-A MRSA §122, sub-§1-D, ¶B,** as enacted by PL 2009, c. 655, Pt. A,
9 §2, is amended to read:

10 B. The deciding authority shall determine whether an energy infrastructure proposal
11 is in the long-term public interest of the State. In making that determination, the
12 deciding authority shall, at a minimum, consider the extent to which the proposal:

13 (1) Materially enhances or does not harm transmission opportunities for energy
14 generation within the State;

15 (2) Is reasonably likely to reduce electric rates or other relevant energy prices or
16 costs for residents and businesses within the State relative to the expected value
17 of those electric rates or other energy prices or costs but for the proposed energy
18 infrastructure development;

19 (3) Increases long-term economic benefits for the State, including but not limited
20 to direct financial benefits, employment opportunities and economic
21 development;

22 (4) Ensures efficient use of the statutory corridor through collocation of energy
23 infrastructure, collaboration between energy infrastructure developers and the
24 preservation of options for future uses;

25 (5) Minimizes conflict with the public purposes for which the state-owned land
26 or asset is owned and any management plans for the land or asset within the
27 statutory corridor and, when necessary, mitigates unavoidable impacts;

28 (6) Limits and mitigates the effects of energy infrastructure on the landscape,
29 including but not limited to using underground installation when economically
30 and technically feasible;

31 (7) Increases the energy reliability, security and independence of the State; ~~and~~

32 (8) Reduces the release of greenhouse gases; and

33 (9) For an energy infrastructure proposal that is an electric transmission line,
34 limits electromagnetic field levels and ensures the protection of the transmission
35 and distribution system against damage from an electromagnetic pulse or a
36 geomagnetic storm.

37 **Sec. 4. 35-A MRSA §3131, sub-§1-B** is enacted to read:

1 **1-B. Electromagnetic pulse.** "Electromagnetic pulse" means one or more pulses of
2 electromagnetic energy capable of disabling, disrupting or destroying a transmission and
3 distribution system.

4 **Sec. 5. 35-A MRSA §3131, sub-§3-B** is enacted to read:

5 **3-B. Geomagnetic storm.** "Geomagnetic storm" means a temporary disturbance of
6 the Earth's magnetic field resulting from solar activity.

7 **Sec. 6. 35-A MRSA §3132, sub-§2-C,** as enacted by PL 2009, c. 309, §2, is
8 amended to read:

9 **2-C. Petition for approval of proposed transmission line.** The petition for
10 approval of the proposed transmission line must contain such information as the
11 commission by rule prescribes, including, but not limited to:

12 A. A description of the effect of the proposed transmission line on public health and
13 safety and scenic, historic, recreational and environmental values and of the
14 proximity of the proposed transmission line to inhabited dwellings;

15 B. Justification for adoption of the route selected, including comparison with
16 alternative routes that are environmentally, technically and economically practical;
17 ~~and~~

18 C. Results of an investigation of alternatives to construction of the proposed
19 transmission line including energy conservation, distributed generation or load
20 management-;

21 D. A description of the design measures to be used to protect the transmission and
22 distribution system against damage from an electromagnetic pulse or a geomagnetic
23 storm; and

24 E. A description of the design measures to be used to mitigate or minimize
25 electromagnetic field levels of the transmission line.

26 **Sec. 7. 35-A MRSA §3132, sub-§6,** as repealed and replaced by PL 2011, c. 281,
27 §1, is amended to read:

28 **6. Commission order; certificate of public convenience and necessity.** In its
29 order, the commission shall make specific findings with regard to the public need for the
30 proposed transmission line. Except as provided in subsection 6-A for a high-impact
31 electric transmission line, if the commission finds that a public need exists, it shall issue a
32 certificate of public convenience and necessity for the transmission line. In determining
33 public need, the commission shall, at a minimum, take into account economics,
34 reliability, public health and safety, scenic, historic and recreational values, state
35 renewable energy generation goals, the proximity of the proposed transmission line to
36 inhabited dwellings, electromagnetic field levels, protections against damage from an
37 electromagnetic pulse or geomagnetic storm and alternatives to construction of the
38 transmission line, including energy conservation, distributed generation or load
39 management. If the commission orders or allows the erection of the transmission line, the
40 order is subject to all other provisions of law and the right of any other agency to approve

1 the transmission line. The commission shall, as necessary and in accordance with
2 subsections 7 and 8, consider the findings of the Department of Environmental Protection
3 under Title 38, chapter 3, subchapter 1, article 6, with respect to the proposed
4 transmission line and any modifications ordered by the Department of Environmental
5 Protection to lessen the impact of the proposed transmission line on the environment. A
6 person may submit a petition for and obtain approval of a proposed transmission line
7 under this section before applying for approval under municipal ordinances adopted
8 pursuant to Title 30-A, Part 2, Subpart 6-A; and Title 38, section 438-A and, except as
9 provided in subsection 4, before identifying a specific route or route options for the
10 proposed transmission line. Except as provided in subsection 4, the commission may not
11 consider the petition insufficient for failure to provide identification of a route or route
12 options for the proposed transmission line. The issuance of a certificate of public
13 convenience and necessity establishes that, as of the date of issuance of the certificate, the
14 decision by the person to erect or construct was prudent. At the time of its issuance of a
15 certificate of public convenience and necessity, the commission shall send to each
16 municipality through which a proposed corridor or corridors for a transmission line
17 extends a separate notice that the issuance of the certificate does not override, supersede
18 or otherwise affect municipal authority to regulate the siting of the proposed transmission
19 line. The commission may deny a certificate of public convenience and necessity for a
20 transmission line upon a finding that the transmission line is reasonably likely to
21 adversely affect any transmission and distribution utility or its customers.

22 **Sec. 8. 35-A MRSA §3132, sub-§§15 and 16** are enacted to read:

23 **15. Rulemaking.** The commission, in consultation with the Department of
24 Environmental Protection, shall adopt rules to identify effective design measures for a
25 transmission and distribution system to limit electromagnetic field levels and ensure the
26 protection of the transmission and distribution system against damage from an
27 electromagnetic pulse or a geomagnetic storm. The commission may include provisions
28 in the rules that require a 3rd party to verify that the design measures are incorporated
29 into the construction of a transmission line.

30 Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter
31 375, subchapter 2-A.

32 **16. Penalties.** The commission may impose penalties in accordance with section
33 1508-A if the design measures described under subsection 2-C are not incorporated into
34 the construction of a transmission line.

35 **Sec. 9. Implementation.** The Public Utilities Commission shall adopt rules under
36 the Maine Revised Statutes, Title 35-A, section 3132, subsection 15 within 6 months of
37 the effective date of this Act. On the effective date of the adopted rules, notwithstanding
38 any provision of law to the contrary, a person constructing a transmission line that has
39 already been approved by the commission but has not yet been completed must
40 incorporate design measures to protect the transmission and distribution system against
41 damage from an electromagnetic pulse or a geomagnetic storm and mitigate or minimize
42 the electromagnetic field levels of the transmission line.

1 **SUMMARY**

2 This bill requires a person submitting a petition to the Public Utilities Commission
3 for the purposes of receiving a certificate of public convenience and necessity for
4 building a transmission line to include a description of design measures to be used that
5 limit electromagnetic field levels and ensure the protection of the transmission and
6 distribution system against damage from an electromagnetic pulse or a geomagnetic
7 storm. The bill also requires the commission to consider electromagnetic field levels,
8 electromagnetic pulse protections and geomagnetic storm protections when determining
9 the public need for a transmission line.

10 This bill adds similar requirements for the deciding authority, when determining
11 whether an energy infrastructure proposal is in the long-term interest of the State, to
12 consider electromagnetic field levels and electromagnetic pulse and geomagnetic storm
13 dangers.

14 The bill directs the Public Utilities Commission, in consultation with the Department
15 of Environmental Protection and within 6 months of the effective date of this Act, to
16 adopt routine technical rules to identify effective design measures to limit
17 electromagnetic field levels and ensure the protection of the transmission and distribution
18 system against damage from an electromagnetic pulse or a geomagnetic storm.

19 Finally, the bill requires any transmission line currently under construction upon the
20 effective date of the rules to incorporate design measures to limit electromagnetic field
21 levels and ensure the protection of the transmission and distribution system against
22 damage from an electromagnetic pulse or a geomagnetic storm.