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An Act To Require Transmission Lines To Be Placed Underground near Certain Facilities

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

Sec. 1. 35-A MRSA §3132, sub-§5, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

5. Commission approval of a proposed line. The commission may approve or disapprove all or portions of a proposed transmission line and shall make such orders regarding its character, size, installation and maintenance as are necessary, having regard for any increased costs caused by the orders. The commission may not approve a proposed transmission line capable of operating at 115 kilovolts or more unless it satisfies the requirements of section 3132-A.

Sec. 2. 35-A MRSA §3132-A is enacted to read:

§ 3132-A. Underground transmission lines required near certain facilities

1. Underground requirement. Any portion of a transmission line capable of operating at 115 kilovolts or more that is constructed, rebuilt or relocated on or after October 1, 2009 must be placed underground if it is located adjacent to:

- A. A residential area;
- B. A public playground;
- C. A private school or public school, as defined in Title 20-A, section 1;
- D. A child care facility, as defined in Title 22, section 8301-A, subsection 1-A, paragraph B; or
- E. A recreational camp, as defined in Title 22, section 2491, subsection 11, that serves children.

2. Exemption. A transmission and distribution utility may obtain an exemption to the requirement in subsection 1 by demonstrating to the commission that it is technologically infeasible to place the transmission line underground. In determining such infeasibility the commission shall consider the effect of placing the transmission line underground on the reliability of the electricity transmission system in the State.

3. Rules. The commission shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill requires that high-voltage transmission lines capable of operating at 115 kilovolts or more constructed, rebuilt or relocated on or after October 1, 2009 near areas that are frequently used by children, including residential areas, public playgrounds, schools, child care facilities and children's camps, be placed underground. The bill directs the Public Utilities Commission to adopt rules regarding this requirement, and it provides an exemption from the requirement if a transmission and distribution utility can demonstrate to the Public Utilities Commission that it is technologically infeasible to place the transmission line underground.