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An Act To Make Certain Changes to the Laws Governing Approval for Transmission Lines

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

Sec. 1. 35-A MRSA §3132, sub-§2-A, as enacted by PL 2003, c. 506, §13, is repealed.

Sec. 2. 35-A MRSA §3132, sub-§2-B, as enacted by PL 2003, c. 506, §13, is repealed.

Sec. 3. 35-A MRSA §3132, sub-§3, as amended by PL 1999, c. 398, Pt. A, §46 and affected by §§104 and 105, is further amended to read:

3. Transmission line rebuilding or relocation projects. Each transmission and distribution utility shall file annually with the commission a schedule of transmission line rebuilding or relocation projects that it intends to carry out during the next 5 years concerning transmission lines that will become, or will remain at, voltages of ~~100~~69 kilovolts or more. The schedule must describe each project, showing the length, location and estimated cost.

If the commission determines that an investigation of any transmission line rebuilding or relocation project is warranted, it shall notify the transmission and distribution utility within 60 days of the annual filing and the transmission and distribution utility is then required to comply with the provisions of this section with respect to that project. The absence of commission notification requiring the utility to file a petition does not preclude such notification in subsequent years.

Sec. 4. 35-A MRSA §3132, sub-§3-A, as amended by PL 1999, c. 398, Pt. A, §46 and affected by §§104 and 105, is further amended to read:

3-A. Minor transmission line construction projects. Each domestic transmission and distribution utility shall file annually with the commission a schedule of minor transmission line construction projects that it intends to carry out during the next 5 years concerning transmission lines that will be capable of operating at ~~100~~69 kilovolts or more. A minor transmission line construction project is a transmission line construction project the cost of which does not exceed 25% of the utility's current annual transmission property depreciation charge. The schedule must describe each project, showing the length, location and estimated cost.

If the commission determines that an investigation of any minor transmission line construction project is warranted, it shall notify the transmission and distribution utility within 60 days of the annual filing and the utility must then comply with the provisions of this section with respect to that project. The absence of commission notification requiring the utility to file a petition does not preclude such notification in subsequent years.

Sec. 5. 35-A MRSA §3132, sub-§6, as amended by PL 2007, c. 148, §5, is further amended to read:

6. Commission order; certificate of public convenience. In its order, the commission shall make specific findings with regard to the need for the proposed transmission line. If the commission finds that a need exists, it shall issue a certificate of public convenience and necessity for the transmission line. If the commission orders or allows the erection of the transmission line, the order is subject to all other provisions of law and the right of any other agency to approve the transmission line. A person may submit a petition for and obtain approval of a proposed transmission line under this section before applying for approval under municipal ordinances adopted pursuant to Title 30-A, Part 2, Subpart 6-A; and Title 38, section 438-A and, except as provided in subsection 4, before identifying a specific route or route options for the proposed transmission line. Except as provided in subsection 4, the commission may not consider the petition insufficient for failure to provide identification of a route or route options for the proposed transmission line. The issuance of a certificate of public convenience and necessity establishes that, as of the date of issuance of the certificate, the decision by the person to erect or construct was prudent. At the time of its issuance of a certificate of public convenience and necessity, the commission shall send to each municipality through which a proposed corridor or corridors for a transmission line extends a separate notice that the issuance of the certificate does not override, supersede or otherwise affect municipal authority to regulate the siting of the proposed transmission line. The commission may deny a certificate of public convenience and necessity for a transmission line upon a finding that the transmission line is reasonably likely to adversely affect any transmission and distribution utility or its customers.

Sec. 6. 35-A MRSA §3132, sub-§13, as enacted by PL 2007, c. 148, §11, is amended to read:

13. Public lands. The State, any agency of the State or any political subdivision of the State may not sell, lease or otherwise convey any interest in public land, other than a future interest or option to purchase an interest in land that is conditioned on satisfaction of the terms of this subsection, to any person for the purpose of constructing a transmission line, unless the following conditions are met: person has received a certificate of public convenience and necessity from the commission pursuant to this section.

~~A. For a transmission line subject to the requirements of subsection 2, the person has received a certificate of public convenience and necessity from the commission pursuant to this section; or~~

~~B. For a transmission line capable of operating at 69 kilovolts or more but less than 100 kilovolts that is not subject to the requirements of subsection 2, the person has provided written notice of the proposed transmission line to the commission and:~~

~~(1) Within 30 days of the filing of the notice, the commission has not acted to initiate an investigation of the proposed transmission line; or~~

~~(2) Within 30 days of the filing of the notice, the commission has initiated an investigation of the proposed transmission line and notified the person of the requirement to file a petition for approval of the proposed transmission line in accordance with subsection 2, and:~~

~~(a) The commission has, as a result of the investigation, issued a certificate of public convenience and necessity for the transmission line; or~~

~~(b) The commission has determined that an investigation is no longer needed in this instance and has terminated the investigation.~~

As used in this subsection, "public land" means land that is owned or controlled by the State, by an instrumentality of the State or by a political subdivision of the State.

As used in this subsection, "future interest or option to purchase an interest in land" includes an option, purchase and sale agreement or other equivalent legal instrument that conveys the intent to pursue a future sale, lease or other conveyance of land.

Effective September 12, 2009