126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document	No. 131
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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Reduces the release of greenhouse gases~~.~~; and

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Commission order; certificate of public convenience and necessity. In its order, the commission shall make specific findings with regard to the public need for the proposed transmission line. Except as provided in subsection 6-A for a high-impact electric transmission line, if the commission finds that a public need exists, it shall issue a certificate of public convenience and necessity for the transmission line. In determining public need, the commission shall, at a minimum, take into account economics, reliability, public health and safety, scenic, historic and recreational values, state renewable energy generation goals, the proximity of the proposed transmission line to inhabited dwellings, electromagnetic field levels, protections against damage from an electromagnetic pulse or geomagnetic storm and alternatives to construction of the transmission line, including energy conservation, distributed generation or load management. 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. The commission shall, as necessary and in accordance with subsections 7 and 8, consider the findings of the Department of Environmental Protection under Title 38, chapter 3, subchapter 1, article 6, with respect to the proposed transmission line and any modifications ordered by the Department of Environmental Protection to lessen the impact of the proposed transmission line on the environment. 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. 8. 35-A MRSA §3132, sub-§§15 and 16 are enacted to read:

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

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

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

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

SUMMARY

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

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

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

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