

An Act To Ensure Legislative Approval of Certain Transmission Lines and Other Linear Projects on Public Land

Whereas, high-impact transmission lines present a unique threat to the environment, and the recreational and commercial opportunities central to the State's health and well-being;

Whereas, the Upper Kennebec Region contains critical cold-water fisheries, deer wintering yards, and many other important wildlife resources, provides crucial recreational opportunities for visitors from Maine and elsewhere which are vital to the economy of the region, as well as sustainable timber harvesting;

Whereas, Article IX, section 23 of the Maine Constitution was enacted to protect the State's public lands by requiring the approval of 2/3 of the Legislature for any conveyance of public land that substantially alters its use;

Whereas, transmission lines and similar linear facilities by definition substantially alter the uses and enjoyment of these critical public lands; and

Whereas, the People of the State of Maine wish to ensure that conveyances of interests in public lands for such uses are presented for approval to the Legislature,

Now, therefore, be it enacted by the People of the State of Maine as follows:

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

4-A. High-impact electric transmission line. "High-impact electric transmission line" means a transmission line greater than 50 miles in length ~~that is not located in a statutory corridor, as defined in section 122, subsection 1, paragraph F-4, or a petitioned corridor, as defined in section 122, subsection 1, paragraph D-1,~~ and that is:

A. Constructed to transmit direct current electricity; or

B. Capable of operating at 345 kilovolts or more and:

(1) Is not a generator interconnection transmission facility as defined in section 3132, subsection 1-B; and

(2) Is not constructed primarily to provide electric reliability, as determined by the commission.

Sec. 2. 35-A MRSA §3132, sub-§6-A is amended to read:

6-A. High-impact electric transmission line; certificate of public convenience and necessity. The commission shall evaluate and render a decision on any petition for a certificate of public convenience and necessity for a high-impact transmission line ~~in accordance with section 122, subsection 1-D.~~

Sec. 3. 35-A MRSA §3132, sub-§6-C is enacted to read:

6-C. High-impact electric transmission line; legislative approval. In addition to obtaining a certificate of public convenience and necessity, no high-impact transmission line may be constructed anywhere in the State of Maine without first obtaining the vote of 2/3 of all the members elected to each House of the Legislature.

Sec. 4. 35-A MRSA §3132, sub-§6-D is enacted to read:

6-D. High-impact electric transmission line; geographic prohibition. Notwithstanding section 6-C, no high-impact transmission line may be constructed in the Upper Kennebec Region. For the purpose of this section, “Upper Kennebec Region” means the approximately 43,300 acres of lands located between the town of Bingham and Wyman lake, north along the Old Canada Road (US 201) to the Canadian border, and eastward from Jackman to encompass Long Pond and westward to the Canadian border, in Somerset and Franklin Counties.

Sec. 5. 35 MRSA §3132, sub-§6-E is enacted to read:

6-E. Retroactivity. Notwithstanding 1 MRSA §302 or any other law, sections 6-C and 6-D are retroactive to September 16, 2020, and apply to any high-impact electric transmission line the construction of which had not commenced as of that date.

Sec. 6. 12 M.R.S. §1852 (4) is amended to read:

4. Lease of public reserved land for utilities and rights-of-way. The bureau may lease the right, for a term not exceeding 25 years, to:

- A. Set and maintain or use poles, electric power transmission and telecommunication transmission lines and facilities, roads, bridges and landing strips;

- B. Lay and maintain or use pipelines and railroad tracks; and
- C. Establish and maintain or use other rights-of-way,

provided, however, that any such poles, transmission lines and facilities, , landing strips, pipelines, and railroad tracks shall be deemed to substantially alter the uses of the land within the meaning of Article IX, section 23 of the Maine Constitution and no lease or conveyance for the purpose of constructing and operating such facilities may be granted without first obtaining the vote of 2/3 of all the members elected to each House.

Notwithstanding 1 MRSA §302 or any other law, this section is retroactive to September 16, 2014.

SUMMARY

In recognition of the potential impacts to the environment and people of Maine from high-impact transmission lines, this initiated bill requires the approval of 2/3 of the Legislature for the construction of such lines. High-impact transmission lines are already defined in existing law.

This initiated bill also exercises the Legislature's zoning authority to prohibit high-impact transmission lines in the Upper Kennebec Region because of that region's high value wildlife, recreation and logging values.

These provisions are made retroactive to September 16, 2020, the date of filing of this initiative.

This initiated bill also requires the approval of 2/3 of the Legislature for any use of public lands for transmission lines and similar linear projects, as required by Article IX, section 23 of the Maine Constitution and reflected in the historic practices of the Bureau of Parks and Lands.

This provision is made retroactive to September 16, 2014, to ensure that any leases or other conveyance of public lands for these purposes within the six-year statute of limitations period has been properly presented to the Legislature and will be henceforth.