

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION
(EMERGENCY)

ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1624

H. P. 1153

House of Representatives, January 6, 1964

The Committee on Public Utilities suggested.

HARVEY R. PEASE, Clerk

Presented by Mr. Cope of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FOUR

**AN ACT Relating to Construction and Operation of Intrastate Natural Gas
Pipe Lines.**

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Revised Statutes, chapter 50-A, provides for the formation of a corporation to construct and operate a natural gas pipe line but only under federal control; and

Whereas, said chapter fails to provide for the construction and operation of a natural gas pipe line as an intrastate operation under state supervision and control; and

Whereas, state supervision and control will overcome procedural delays and allow faster construction of a natural gas pipe line, and the cost of state control and supervision over said intrastate pipe line will be substantially lower and thus benefit the public in lower costs; and

Whereas, the immediate construction and operation of an intrastate pipe line would be of great assistance in attracting and developing Maine industry, providing greater tax income and more job opportunities for the inhabitants of the State of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of the State of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., c. 50-A, § 2, amended. Section 2 of chapter 50-A of the Revised Statutes, as enacted by section 3 of chapter 127 of the public laws of 1955, and as amended, is further amended to read as follows:

'Sec. 2. Power to construct and operate natural gas pipe line. Any corporation organized under the laws of this State or of any other state or of the United States for the purpose of constructing and operating ~~a~~ **an interstate** natural gas pipe line, which corporation holds a certificate of public convenience and necessity issued under ~~the provisions of~~ the Federal Natural Gas Act approved June 21, 1938, as it now reads, or may hereafter be amended, authorizing such corporation to construct and operate a natural gas pipe line or pipe lines and appurtenant facilities within this State, **or for the purpose of constructing and operating an intrastate natural gas pipe line, which corporation has obtained authorization from the Public Utilities Commission to construct and operate such intrastate natural gas pipe line or pipe lines and appurtenant facilities,** is ~~hereby~~ authorized, upon compliance with all applicable provisions of this chapter, to purchase, hold and convey such real estate and personal property as shall be necessary for the purposes for which it was created. Corporations for the purpose of constructing and operating natural gas pipe lines, or for either of such purposes, may be organized under ~~the provisions of sections 8 to 15 of~~ chapter 53, **sections 8 to 15, and following such organization said corporation shall enjoy all the other rights, privileges and immunities of a legal corporation organized under said chapter 53, except as the same may be inconsistent with this chapter.'**

Sec. 2. R. S., c. 50-A, § 3, amended. Section 3 of chapter 50-A of the Revised Statutes, as enacted by section 3 of chapter 127 of the public laws of 1955, is amended to read as follows:

'Sec. 3. Filing of certificate of public convenience. Any corporation which intends to construct or operate any **interstate** natural gas pipe line within this State shall file with the Secretary of State a certified copy of the certificate of public convenience and necessity issued to such corporation under the Federal Natural Gas Act, **or if such pipe line be intrastate, a certificate exhibiting such authorization of the Public Utilities Commission,** such filing to be at least 30 days before the start of construction.'

Sec. 3. R. S., c. 50-A, § 4, amended. Section 4 of chapter 50-A of the Revised Statutes, as enacted by section 3 of chapter 127 of the public laws of 1955, is amended to read as follows:

'Sec. 4. Eminent domain. Upon the filing of the certificate of public convenience and necessity **or authorization of the commission,** as required in section 3, and in the case of a corporation organized under the laws of any state other than Maine upon compliance with the applicable provisions of chapter 53, such corporation shall be authorized and empowered to take and hold by right of eminent domain such lands or rights therein as may be necessary in the safe, economical and efficient operation of the pipe line or pipe lines and in rendering of adequate service to the public, in the same manner and under the same conditions as set forth in ~~sections 11 to 22 of~~ chapter 52, **sections 11 to 22. ; provided, however, nothing** ~~Nothing~~ herein contained shall be construed as authorizing

such corporation to take by right of eminent domain any of the property or facilities of any other public service corporation or district, used or acquired for future use by the owner thereof in the performance of a public duty, unless expressly authorized thereto herein or by subsequent act of Legislature.'

Sec. 4. R. S., c. 50-A, § 5, amended. Section 5 of chapter 50-A of the Revised Statutes, as enacted by section 3 of chapter 127 of the public laws of 1955, is amended to read as follows:

'Sec. 5. Certain property exempted from eminent domain. No such corporation shall take, without consent of the owners, meetinghouses, dwelling houses, or public or private burying grounds. No lands or rights therein shall be taken by right of eminent domain in any public street or highway, public park or reservation or other public property, or within the location of any railroad or other public utility company; ~~provided that such.~~ **Such** pipe line or pipe lines may be constructed under or through any public highway or street, public park or reservation or other public property if the method of such construction and the plans and specifications therefor have been approved by the authority having jurisdiction over the maintenance of such public highway or street, public park or reservation or other public property; ~~and provided further that such and said authority has granted a written location permit to such corporation in accordance with the procedure set forth in chapter 50, section 13, and such corporation shall have all the rights, privileges and duties arising out of said section 13 to the extent that they are applicable to a corporation formed on the provisions of this chapter.~~ **Such** pipe line or pipe lines may be constructed over or across the location of any railroad or other public utility by agreement with such railroad or other public utility or in the event of failure so to agree then with the approval of the Public Utilities Commission and in such manner as may be determined by said commission, and all work on the property of such railroad or public utility shall be done under the supervision and to the satisfaction of such railroad or public utility, but at the expense of such corporation.'

Sec. 5. R. S., c. 50-A, § 9, amended. The first paragraph of section 9 of chapter 50-A of the Revised Statutes, as enacted by section 3 of chapter 127 of the public laws of 1955, is amended to read as follows:

'Any corporation organized under the laws of this State or of any other state or the United States for the purposes of constructing or operating ~~a~~ **an interstate** natural gas pipe line, which corporation holds a certificate of public convenience and necessity issued under ~~the provisions of~~ the Federal Natural Gas Act authorizing such corporation to construct or operate ~~a~~ **such** natural gas pipe line or pipe lines and appurtenant facilities within the State, ~~or in the case of an intrastate natural gas pipe line, which corporation has obtained authorization from the Public Utilities Commission,~~ shall be subject to the authority of the Public Utilities Commission, and the commission may make all necessary rules and regulations, in respect to its pipe line, equipment and manner of operation as they relate to the safety of the public and of the employees of said corporation, in the same manner as are Maine public utility companies, provided the authority of the Public Utilities Commission shall not be inconsistent with or in violation of ~~the provisions of~~ the Federal Natural Gas Act, as amended, or

any rules, orders, regulations or certificates of public convenience and necessity, issued pursuant thereto.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.