

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1477

H. P. 1247

House of Representatives, April 7, 1977

Referred to the Committee on Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Kelleher of Bangor.

Cosponsors: Mr. Blodgett of Waldoboro and Mrs. Huber of Falmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Expedite the Construction of Natural Gas Pipelines in the State.

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

Whereas, there is presently a shortage of natural gas used for commercial, industrial, residential and governmental purposes at the national, state and local level; and

Whereas, proposals have been made and are pending to construct natural gas pipelines into and through the State to make available additional supplies of natural gas for consumption at the national, state and local levels for the users; and

Whereas, certain time delays are inherent in applying for certain state permits, licenses and governmental orders and it is necessary to shorten the administrative delays by expediting the ability of any natural gas pipeline company to file and process all necessary governmental approvals; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as 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:

35 MRSA § 2545 is enacted to read:

§ 2545. Status of company

When a natural gas pipeline company, which intends to operate within this State has filed for either a certificate of public convenience and necessity to be issued under the Federal Natural Gas Act or in the case of an intrastate gas pipeline company, has filed for the necessary authorization from the Public Utilities Commission, that company shall be deemed to have such right, title, interest or standing to proceed to file and process any application for any license, permit, order of any nature or description necessary to obtain all governmental approvals with regard to the location, construction, completion and operation of that pipeline within this State. The effective date of any such license, permit, order or governmental approval which may be granted or issued may be conditioned upon or suspended until the issuance of such certificate or authorization.

In the event, that a natural gas pipeline company makes application with the Department of Environmental Protection for any required licenses or approvals before it is issued a certificate of public convenience and necessity pursuant to the Federal Natural Gas Act or the Maine Public Utilities Commission, it shall file a bond with the Department of Environmental Protection payable to the Department of Environmental Protection in a form satisfactory to the Commissioner of Environmental Protection and in an amount determined by him not to exceed \$50,000, which bond shall be conditioned so as to require the applicant to reimburse the department for its costs incurred in processing any application in the event that the applicant does not receive a certificate of public convenience and necessity as described in this section.

Any natural gas pipeline company which makes application for site location of development approval pursuant to Title 38, section 481, et seq. shall provide notice to each owner of real property upon whose land the applicant proposes to locate a natural gas pipeline by registered mail, postage prepaid at the land owner's last known address as contained in the applicable tax assessor's records, prior to filing a notification pursuant to Title 38, section 483, and shall file prior to filing such notification with the town clerk of each municipality through which the pipeline is proposed to be located, a map demonstrating the intended approximate location of the pipeline within that municipality. The applicant shall not be required to provide notice of its intent to construct a natural gas pipeline other than as set forth in this paragraph.

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

STATEMENT OF FACT

It is a matter of common knowledge that there is a shortage of natural gas. Proposals are presently pending to construct an interstate pipeline in this State. Many governmental approvals at the state and local levels are necessary to comply with existing state laws, rules, regulations and ordinances. This bill will allow the processing of these governmental approvals while

other federal and state approvals are being processed. The effect of such governmental approvals may be suspended or conditioned upon the issuance of the appropriate federal or state authorizations.

Because this bill would authorize a natural gas pipeline company to file for site location approval prior to the issuance of any necessary federal permit, the bill requires that the applicant post a bond with the Department of Environmental Protection to assure that the department's costs will be recovered from the applicant in the event that the applicant does not receive the needed federal permits. Also, since the applicant could be filing for site location approval prior to the acquisition of any interests in any property on which the pipeline might be located, this bill would require that each landowner on whose property the pipeline is proposed to be located, be given notice of the proposal by registered mail before the application is filed with the Department of Environmental Protection.