



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1227

S.P. 396

In Senate, April 8, 1993

An Act to Define the Liability of Gas Utilities and Natural Gas Pipeline Utilities.

Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator BUTLAND of Cumberland. Cosponsored by Senator: CARPENTER of York, Representatives: KONTOS of Windham, TAYLOR of Cumberland.

	Be it enacted by the People of the State of Maine as follows:
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4	Sec. 1. 14 MRSA §165, as enacted by PL 1975, c. 186, is repealed and the following enacted in its place:
6	<u>§165. Liability of natural gas distributors</u>
8	1. Standard of care. A gas utility or natural gas pipeline
	utility shall operate and maintain all transmission or
10	distribution facilities installed, operated and maintained by it
	with a high degree of due care. A gas utility or natural gas
12	pipeline utility operating and maintaining its transmission or
1.4	distribution facilities in conformity with the regulations
14	promulgated by the federal Department of Transportation or any
16	<u>successor agency of the Federal Government is deemed to be acting</u> with a high degree of due care.
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18	2. Liability. A gas utility or natural gas pipeline
	utility is liable for damages in the event that the utility's
20	negligence causes death, injury to persons or damage to property
	resulting from fire or explosions occasioned by gas escaping from
22	any portion of a gas transmission or distribution system or
2.4	pipeline under its control. If a fire or explosion occasioned by
24	the escape of gas results in death, injury to persons or damage
26	<u>to property and is caused by a natural disaster; an act of war;</u> an act of terrorism; the negligent, reckless or willful conduct
20	of a claimant or a claimant's decedent; or the acts of a 3rd
28	party, the gas utility or natural gas pipeline utility is deemed
	to have acted with all due care, except on proof of its
30	negligence.
32	3. Damages recoverable. The damages recoverable in any
34	<u>action against a gas utility or natural gas pipeline utility must</u> <u>be reduced to such an extent as the trier of fact determines just</u>
34	and equitable, having regard to the extent that the trier of fact
36	finds that the escape of gas was caused by a natural disaster; an
	act of war; an act of terrorism; the negligent, reckless or
38	willful conduct of a claimant or a claimant's decedent; or the
	acts of a 3rd party, or that the explosion or fire was caused by
40	<u>a natural disaster; an act of war; an act of terrorism; the</u>
	negligent, reckless or willful conduct of a claimant or a
42	claimant's decedent; or by the acts of a 3rd party.
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44	STATEMENT OF FACT
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	This bill provides for the allocation of liability involving
48	gas or natural gas accidents. It creates a standard of care
	higher than ordinary due care.

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