



## **118th MAINE LEGISLATURE**

## **FIRST REGULAR SESSION-1997**

Legislative Document

No. 533

H.P. 388

House of Representatives, January 28, 1997

An Act to Ensure Public Safety and Proper Allocation of Liability for Gas Pipelines.

Reference to the Committee on Judiciary suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative COWGER of Hallowell. Cosponsored by Senator TREAT of Kennebec and Representatives: COLWELL of Gardiner, FARNSWORTH of Portland, O'NEIL of Saco, QUINT of Portland, RINES of Wiscasset, SHIAH of Bowdoinham, STANLEY of Medway, Senator: KILKELLY of Lincoln.

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

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Sec. 1. 14 MRSA §165, sub-§§1 to 3, as enacted by PL 1995, c. 299, §1, are amended to read:

Liability without proof of negligence. 6 1. A natural gas natural gas pipeline company company or that stores or distributes natural gas is strictly liable for all--aets--and 8 emissions-of--its-servants-and-agents--that-eause death or injury 10 to persons or damage to property resulting from explosions or fire caused by natural gas escaping from the natural gas storage or distribution system under its control er-from-explosions-er 12 fire---caused ---by---defects---in--the---natural---gas---storage---and distribution-systems-under-its-control. 14

2. Rebuttable presumption. When there is death or injury to persons or damage to property resulting from explosions or fire caused by escaping natural gas, there is a rebuttable presumption that the gas escaped because-of-a-defect-in-a from the portion of the storage or distribution system under the company's control.

Reduction in damages. The --company-is-not-liable-for
death-or-injury-to-persons-or-damage-to-property The damages
recoverable must be reduced to the extent the fact finder
determines just and equitable, based on the finding that the
escape of the natural gas was caused by:

A. An act of God or war;

B. Fault-of--the <u>The</u> plaintiff, to the extent that the plaintiff's fault bars or reduces the plaintiff's recovery under section 156; or

C. Intervening-fault-of-a <u>A</u> 3rd party for whose actions the company is not legally liable. If--death--or--injury--to persons--or-damage-to--property-is--caused-by-the-combined fault-of-the-company-and-other-parties,-the-liability-of-the company-is-joint-and-several-with-those-other-parties,

## SUMMARY

44 This bill restores the allocation of liability of natural gas providers for natural gas explosions or fires. A natural gas 46 company or natural gas pipeline company is strictly liable for all deaths, personal injuries and property damage resulting from 48 explosion or fire caused by the escape of natural gas from that portion of the storage or distribution system under its control. 50 This bill reinstates the rebuttable presumption that the natural gas causing a fire or explosion escaped from that portion of the system under the company's control. The burden is on the company to prove that the gas did not escape from that portion of the system under its control. Damages for which the company is liable may be reduced by proving to the court or jury that there was another cause for or source of the escape of the natural gas.