

MAINE STATE LEGISLATURE

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L.D. 1929

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UTILITIES AND ENERGY

Reported by:

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STATE OF MAINE SENATE 119TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 679, L.D. 1929, Bill, "An Act Concerning Damage to Lands and Natural Resources Caused by Natural Gas Pipelines"

Amend the bill in section 2 in that part designated "~~§3345.~~" in subsection 1 in the 5th and 6th lines (page 1, lines 36 and 37 in L.D.) by striking out the following: "natural gas pipelines" and inserting in its place the following: 'any natural gas pipelines that result in property damage'

Further amend the bill in section 2 in that part designated "~~§3345.~~" in subsection 2 in paragraph C in the 2nd and 3rd lines (page 2, lines 3 and 4 in L.D.) by striking out the following: "In addition, the landowner is responsible" and inserting in its place the following: 'The landowner is responsible for the costs of the first 4 hours of mediation and'

Further amend the bill in section 2 in that part designated "~~§3345.~~" in subsection 3 in paragraph A in the first line (page 2, line 10 in L.D.) by striking out the following: "harm" and inserting in its place the following: 'property damage'

Further amend the bill in section 2 in that part designated "~~§3345.~~" in subsection 3 in paragraph B in subparagraph (2) in the last line (page 2, line 23 in L.D.) by striking out the following: "one year of the act or omission" and inserting in its place the following: 'the applicable statute of limitations on the underlying claim'

Further amend the bill in section 2 in that part designated "~~§3345.~~" in subsection 3 by striking out all of paragraph D (page 2, lines 30 and 31 in L.D.) and inserting in its place the following:

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2 'D. Has submitted a claim in writing to the entity
4 responsible for the property damage and afforded that entity
6 at least 10 business days to respond but failed to reach a
 satisfactory agreement of settlement with that entity within
 that time period; and'

8 Further amend the bill in section 2 in that part designated
10 "§3345." in subsection 3 in paragraph E in the first line (page
12 2, line 33 in L.D.) by striking out the following: "Submit" and
 inserting in its place the following: 'Submits'

14 Further amend the bill in section 2 in that part designated
16 "§3345." in subsection 4 in the last line (page 2, line 41 in
 L.D.) by striking out the following: "Mediation" and inserting
 in its place the following: 'Alternative Dispute Resolution'

18 Further amend the bill in section 2 in that part designated
20 "§3345." in subsection 5 in the 5th line (page 2, line 47 in
22 L.D.) by striking out the following: "30" and inserting in its
 place the following: '40'

24 Further amend the bill in section 2 in that part designated
26 "§3345." in subsection 5 in the 3rd line from the end (page 2,
 line 49 in L.D.) by striking out the following: "120" and
 inserting in its place the following: '130'

28 Further amend the bill in section 2 in that part designated
30 "§3345." by striking out all of the first paragraph of subsection
32 6 (page 2, lines 53 and 54 and page 3, lines 1 to 7 in L.D.) and
 inserting in its place the following:

34 '6. Purpose: conduct of mediation. The purpose of a
 mediation under this subchapter is to facilitate a mutually
36 acceptable solution to a dispute in accordance with applicable
 principles of property law and the terms of any easement.'

38 Further amend the bill in section 2 in that part designated
40 "§3345." in subsection 8 in the last line (page 3, line 24 in
42 L.D.) by inserting after the following: "mediation." the
 following: 'Participation in the mediation process is voluntary
 for all parties and may not be compelled by the mediator or any
44 other person.'

46 Further amend the bill by striking out all of section 3.

48 Further amend the bill by inserting at the end before the
 summary the following:

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FISCAL NOTE

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This bill may decrease the number of civil suits filed in the court system. The Judicial Department may realize some minor savings from reductions of workload and administrative costs associated with the minimal number of cases that will no longer be filed. Reductions in the collection of filing fees may decrease General Fund revenue by minor amounts.

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This bill will also shift the workload from the courts to the mediation program. The fees charged for mediation are collected as dedicated revenue and will cover the additional costs associated with mediation cases. The amount of the additional dedicated revenue and the related expenditures can not be determined at this time.'

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SUMMARY

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This amendment removes from the bill those sections proposing a 7-day delay in the effective date of certain easements or interests in property related to the construction, maintenance and operation of a natural gas pipeline and the provision allowing a landowner granting an easement to negotiate an annual fee for the use of that easement or interest.

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The amendment clarifies that the mediation process established in the bill applies to any natural gas pipeline work regardless of whether or not that work was performed by a state or federally regulated natural gas pipeline. The amendment limits the scope of the mediation to property damages and clarifies that participation in the mediation process is voluntary for all parties and may not be compelled by the mediator or any other person.

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The amendment also makes several technical corrections to the bill and adds a fiscal note to the bill.