

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-1999

Legislative Document

No. 2294

S.P. 879

In Senate, December 15, 1999

An Act to Promote Competition in the Natural Gas Industry.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 15, 1999. Referred to the Committee on Utilities and Energy and ordered printed pursuant to Joint Rule 308.2

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CAREY of Kennebec.

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

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Sec. 1. 35-A MRSA §§4710 and 4711 are enacted to read:

§4710. Eminent domain

If the commission determines that a taking by eminent domain is necessary under the conditions and procedures set out in sections 6701 to 6704 relative to condemnation by water districts, a gas utility that has complied with this chapter, and, in the case of a foreign corporation, with Title 13-A, chapter 12, may take and hold by right of eminent domain lands or rights in lands that are necessary to the safe, economical and efficient operation of a natural gas pipeline and to providing adequate service to the public under the same procedures and conditions as set forth in chapter 67.

Environmental factors to be considered for proper location of a natural gas pipeline are not subject to review by the commission when the location of the transmission line has received site location of development approval under Title 38, section 484.

Nothing in this section authorizes a corporation to take by eminent domain property or facilities of another public utility used or acquired for use in the performance of a public duty unless expressly authorized in this section or by an Act of the Legislature.

§4711. Exemption from eminent domain

1. Owner's consent required. A gas utility may not take without the owner's consent:

A. Meeting houses;

B. Dwelling houses; or

C. Public or private burying grounds.

2. Public lands. A gas utility may not take by eminent domain lands or rights in:

A. A public street or highway;

B. A public park or reservation;

C. Other public property; or

D. The location of a railroad or public utility.

3. Pipeline constructed under or through public property.

2 A gas utility may construct a natural gas pipeline under or
4 through a public highway or street, public park or reservation or
6 other public property if the method, plans and specifications for
8 construction have been approved by the authority having
jurisdiction over the maintenance of the public highway or
street, public park or reservation or other public property and
the authority has granted a written location permit to the
corporation in accordance with section 2302. The gas utility has
all the rights, privileges and duties arising out of section 2302
to the extent they apply to a gas utility formed under this
chapter.

14 4. Pipelines constructed over or across a railroad or
16 public utility. A gas utility may construct a natural gas
18 pipeline over or across the location of a railroad or public
utility by agreement with the railroad or public utility or, in
the event of failure to agree, with the commission's approval and
in a place and manner and under conditions determined by the
commission. All work on the property of a railroad or public
utility must be done under the supervision and to the
satisfaction of the railroad or public utility, but at the gas
utility's expense.

26 SUMMARY

28 This bill authorizes gas utilities to exercise the power of
30 eminent domain in the same manner and under the same conditions
as natural gas pipeline utilities.