

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 662

S.P. 190

In Senate, February 13, 2001

An Act to Remove Barriers to Providing Natural Gas Services.

Reference to the Committee on Utilities and Energy suggested and ordered printed.

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator O'GARA of Cumberland.
Cosponsored by Representative BERRY of Belmont and
Senators: DAGGETT of Kennebec, SHOREY of Washington, SMALL of Sagadahoc,
Representatives: McGLOCKLIN of Embden, SAVAGE of Buxton.

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

2
3 **Sec. 1. 35-A MRSA §2104**, as amended by PL 1997, c. 707, §3,
4 is repealed and the following enacted in its place:

6 **§2104. Commission approval for gas companies to furnish service**

8 **1. When approval of commission required.** A gas utility,
9 except as provided in subsection 2, may not furnish its service
10 in or to any municipality within the State without the approval
11 of the commission.

12 **2. When approval not required.** Notwithstanding any other
13 provision of this chapter, a gas utility authorized to furnish
14 its service in or to and serving customers in any municipality
15 within the State in which no other gas utility is furnishing a
16 similar service is not required to obtain the approval of the
17 commission.

18
19 **Sec. 2. 35-A MRSA §2105**, as enacted by PL 1987, c. 141, Pt.
20 A, §6, is amended to read:

21 **§2105. Approval only after hearing**

22
23 **1. Approval only after hearing.** Except as provided in
24 subsection 2, ~~no~~ the commission may not grant an approval
25 required by section 2102, 2103 or 2104 and ~~no~~ or a license,
26 permit or franchise may ~~be~~ granted to any person to operate,
27 manage or control a public utility named in section 2101 in a
28 municipality where there is in operation a public utility engaged
29 in similar service ~~or authorized to provide similar service,~~
30 until the commission has made a declaration, after public hearing
31 of all parties interested, that public convenience and necessity
32 require a 2nd public utility.

33 **2. Declaration without hearing.** The commission, may make a
34 declaration without public hearing, if it appears that the
35 utility serving ~~or authorized to serve,~~ the utility seeking
36 approval from the commission to provide service and any customer
37 or customers to receive service agree that the utility seeking
38 approval to serve should provide service.

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43 **SUMMARY**

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45 Present law does not permit a gas utility already authorized
46 and serving customers in the State to establish service in or to
47 any municipality within the State without the approval of the
48 Public Utilities Commission even if no other gas utility is
49 furnishing or is authorized to furnish gas service. This bill
50 removes the approval requirement.