

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1545

S.P. 492

In Senate, May 3, 2011

**An Act To Authorize the Public Utilities Commission To Exercise
Jurisdiction over Private Natural Gas Pipelines To Ensure Safe
Operation**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by President RAYE of Washington.
Cosponsored by Representative MAKER of Calais and
Representatives: BURNS of Whiting, McFADDEN of Dennysville, TILTON of Harrington,
TURNER of Burlington.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** there is an immediate need within the State to facilitate the construction
4 of private natural gas pipelines to enable consumers to lower their energy costs and
5 reduce their emissions; and

6 **Whereas,** in order to encourage investment in private natural gas pipelines, the
7 State, rather than the Federal Government, should be responsible for the safety regulation
8 of such pipelines; and

9 **Whereas,** because the permitting, approval and construction process for a private
10 natural gas pipeline can take many months, it is necessary to make changes to Maine law
11 to enable such pipelines to be built during the current construction season; and

12 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
13 the meaning of the Constitution of Maine and require the following legislation as
14 immediately necessary for the preservation of the public peace, health and safety; now,
15 therefore,

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

17 **Sec. 1. 35-A MRSA §4517** is enacted to read:

18 **§4517. Private natural gas pipelines**

19 **1. Private natural gas pipelines; definition.** As used in this section, "private
20 natural gas pipeline" means a pipeline that is used solely for the transport of natural gas to
21 a single customer, is owned by the customer or an affiliate of the customer and is not a
22 natural gas pipeline utility or gas utility.

23 **2. Safety regulation.** The commission may exercise safety regulation over an entity
24 that owns or operates a private natural gas pipeline on public land or land owned by a 3rd
25 party, notwithstanding that the entity is not a public utility. Safety regulation under this
26 subsection may be enforced as provided in sections 4515 and 4516-A.

27 **3. Approval of construction.** A private natural gas pipeline may not be constructed
28 without approval of the commission. When requesting approval, the entity that owns or
29 operates a private natural gas pipeline shall submit to the commission information
30 concerning the engineering design of the pipeline and the standards of construction the
31 entity proposes to follow and any other information the commission determines necessary
32 to make a determination of whether to approve construction. The commission shall
33 approve the construction if the commission determines that the standards of construction
34 of the pipeline adequately protect the safety of the public.

35 **4. Waiver.** The commission may waive for good cause any requirements under this
36 section.

