

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

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THE MICHIE COMPANY
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by the municipal officers of said city or town relating to the joint use of poles, or by their decision as to his proportionate share of the original cost, or the cost of maintaining any joint poles, or the annual rental for the use of the same, may appeal from such orders, decisions or regulations of the municipal officers at any time, within 10 days after service of notice of the same, to the superior court in the county. The appellant shall, when such appeal is taken, include in the complaint a statement setting forth substantially the facts of the case, and the orders, decisions or regulations of the municipal officers from which he appeals and in what respect he is aggrieved thereby; and shall give written notice of such appeal with a copy of the complaint to the opposite party. The presiding justice at the 1st term of said court shall appoint 3 disinterested persons, not residents of the city or town named in the complaint, who shall, within 30 days after their appointment, after due notice and hearing, affirm the orders and decisions of the municipal officers, or amend or modify the same, or make new and further orders, decisions and regulations governing such joint use of such poles by any of the parties to the proceedings, or in relation to the proportionate share of the expense to be borne by each party using such joint poles, or the just and fair rental therefor; and their report, which shall be filed with the clerk of said court, upon being accepted by any justice of the superior court in term time or in vacation, shall be final and binding on all parties to the proceedings, except that questions of law arising under such proceedings may be reserved for decision by the law court. Any person affected by any order or decision of the municipal officers, who is not joined in the original complaint, may, on petition to the superior court, be joined therein at any time before hearing by the committee appointed under the provisions of this section. (R. S. c. 46, § 39. 1959, c. 317, § 24.)

Effect of amendment.—The 1959 amendment rewrote the first and second sentences of this section.

Effective date of 1959 amendment.—See note to § 40.

Sec. 46. Power and authority conferred are additional.

Cited in *First Nat. Bank of Boston v. Maine Turnpike Authority*, 153 Me. 131, 136 A. (2d) 699.

Chapter 50-A.

Natural Gas Pipe Line Companies.

Sec. 1. Declaration of policy.—It is hereby declared that the business of transporting natural gas within the state by interstate or intrastate natural gas pipe line companies is affected with the public interest and that the health, safety and welfare of the inhabitants of the state require regulation in matters relating to the transportation of natural gas to the extent hereinafter provided. (1955, c. 127, § 3.)

Sec. 2. Power to construct and operate natural gas pipe line.—Any corporation organized under the laws of this state or of any other state or of the United States for the purpose of constructing and operating a natural gas pipe line, which corporation holds a certificate of public convenience and necessity issued under the provisions of the federal natural gas act approved June 21, 1938, as it now reads, or may hereafter be amended, authorizing such corporation to construct and operate a natural gas pipe line or pipe lines and appurtenant facilities within this state, is hereby authorized, upon compliance with all applicable provisions of this chapter, to purchase, hold and convey such real estate and personal property as shall be necessary for the purposes for which it was created. Corporations for the purpose of constructing and operating natural

gas pipe lines, or for either of such purposes, may be organized under the provisions of sections 8 to 15, inclusive, of chapter 53. (1955, c. 127, § 3. 1957, c. 59.)

Effect of amendment. — The 1957 amendment added the last sentence to this sentence.

Sec. 3. Filing of certificate of public convenience.—Any corporation which intends to construct or operate any natural gas pipe line within this state shall file with the secretary of state a certified copy of the certificate of public convenience and necessity issued to such corporation under the federal natural gas act, such filing to be at least 30 days before the start of construction. (1955, c. 127, § 3.)

Sec. 4. Eminent domain.—Upon the filing of the certificate of public convenience and necessity as required in section 3, and in the case of a corporation organized under the laws of any state other than Maine upon compliance with the applicable provisions of chapter 53, such corporation shall be authorized and empowered to take and hold by right of eminent domain such lands or rights therein as may be necessary in the safe, economical and efficient operation of the pipe line or pipe lines and in rendering of adequate service to the public, in the same manner and under the same conditions as set forth in sections 11 to 22, inclusive, of chapter 52; provided, however, nothing herein contained shall be construed as authorizing such corporation to take by right of eminent domain any of the property or facilities of any other public service corporation or district, used or acquired for future use by the owner thereof in the performance of a public duty, unless expressly authorized thereto herein or by subsequent act of legislature. (1955, c. 127, § 3.)

Sec. 5. Certain property exempted from eminent domain.—No such corporation shall take, without consent of the owners, meetinghouses, dwelling houses, or public or private burying grounds. No lands or rights therein shall be taken by right of eminent domain in any public street or highway, public park or reservation or other public property, or within the location of any railroad or other public utility company; provided that such pipe line or pipe lines may be constructed under or through any public highway or street, public park or reservation or other public property if the method of such construction and the plans and specifications therefor have been approved by the authority having jurisdiction over the maintenance of such public highway or street, public park or reservation or other public property; and provided further that such pipe line or pipe lines may be constructed over or across the location of any railroad or other public utility by agreement with such railroad or other public utility or in the event of failure so to agree then with the approval of the public utilities commission and in such manner as may be determined by said commission, and all work on the property of such railroad or public utility shall be done under the supervision and to the satisfaction of such railroad or public utility, but at the expense of such corporation. (1955, c. 127, § 3.)

Sec. 6. Duties of corporation.—Any such pipe line shall be laid at least 24 inches below the surface of the soil and the soil above such pipe line shall be graded to the level of the adjacent land and left in good working condition unless otherwise agreed to between such corporation and the owner or owners of such property. Such corporation shall pay any damages for growing crops caused by the construction operation, maintenance, repair or reconstruction of any such pipe line. In the construction, maintenance, repair and reconstruction of any such pipe line, driveways, drains, water pipes and other service pipes or wires located on any land on which such pipe line is constructed shall be left in as good condition as they were prior to such construction, maintenance, repair

or reconstruction, except when otherwise agreed to between such corporation and the owner or owners of such property. No driveway or right of way over the land on which any such pipe line is located shall, except during such construction, maintenance, repair or reconstruction of such pipe line, be closed for passage except by agreement between such corporation and the owner or owners of such property or such right of way. Any building erected by any such corporation shall conform in its method of construction with the building laws or regulations in force and effect in the location in which the same is erected, and the exterior design of any such building shall conform to the extent that is possible with the general architectural standards of buildings in the locality in which such building is erected. (1955, c. 127, § 3.)

Sec. 7. Franchise area; restricted sale.—Within the franchise area of any person, firm, corporation or municipality which is chartered or authorized by the State of Maine to transmit or sell gas within said franchise area, no corporation described in section 2 shall supply or sell natural gas to any person, firm, corporation or municipality except a person, firm, corporation or municipality authorized to transmit or sell gas within such franchise area, unless such sale is consented to by such person, firm, corporation or municipality so authorized to transmit or sell gas within such franchise area, or such sale is permitted by the public utilities commission of the State of Maine, after due notice and hearing. (1955, c. 127, § 3.)

Sec. 8. Gas companies authorized to deal in natural gas.—Any gas company, as defined in section 16 of chapter 44, is authorized to buy, sell, furnish, transport, store, distribute, dispose of or otherwise deal in natural gas and a mixture of natural gas and manufactured gas and the by-products thereof, to the same extent and with the same rights, privileges and limitations conferred or imposed upon it with respect to manufactured gas, and within the same territorial limitations within which it is authorized to deal in manufactured gas. (1955, c. 127, § 3.)

Sec. 9. Powers and authority of public utilities commission.—Any corporation organized under the laws of this state or of any other state or the United States for the purposes of constructing or operating a natural gas pipe line, which corporation holds a certificate of public convenience and necessity issued under the provisions of the federal natural gas act authorizing such corporation to construct or operate a natural gas pipe line or pipe lines and appurtenant facilities within the state shall be subject to the authority of the public utilities commission, and the commission may make all necessary rules and regulations, in respect to its pipe line, equipment and manner of operation as they relate to the safety of the public and of the employees of said corporation, in the same manner as are Maine public utility companies, provided the authority of the public utilities commission shall not be inconsistent with or in violation of the provisions of the federal natural gas act, as amended, or any rules, orders, regulations or certificates of public convenience and necessity, issued pursuant thereto.

In order to effectuate the policies and provisions of this chapter, and when deemed necessary, to obtain uniformity in the formulation, administration and enforcement of any order, ruling or regulation issued hereunder, or promulgated by the duly constituted authority of the United States, pertaining to the regulating or handling of natural gas, the public utilities commission shall have power to confer, cooperate and enter into compacts with such authority; to avail itself of records and facilities of, and to make available records and facilities to, such authority; to conduct joint investigations and hold joint hearings; to issue orders, rulings and regulations jointly or concurrently with, or complementary to those issued by such authority; and to collaborate with such author-

ity and others in the development and operation of measures for the increased safety of the transportation and distribution of natural gas within the state. (1955, c. 127, § 3.)

Sec. 10. Application of chapter 44.—Any corporation as described in section 2 shall be subject to all the provisions of chapter 44 so far as applicable, and to such orders, rules and regulations as shall be adopted and promulgated by the commission under the authority of said chapter. (1955, c. 127, § 3.)

Sec. 11. Submission of plans to commission.—Not less than 30 days before the solicitation of bids for construction or installation or, if bids are not to be solicited, not less than 30 days before actual construction or installation, any such corporation shall submit to the public utilities commission information concerning the engineering design of its pipe line and the standards of construction which it proposes to follow and any other such information as the commission may deem necessary, so that it may determine whether the public safety and the safety of the employees of said company are being protected. If the commission shall find as a result of its investigation that any part of the engineering design does not conform to the minimum standards of the American standard code of pressure piping, promulgated by the American standards association of New York, or that the condition of any part of the equipment or the manner of operation thereof, are such that they are dangerous to the public safety or the safety of the employees, it shall make such order as may be necessary to remedy same and shall furnish a copy of such order to the company. (1955, c. 127, § 3.)

Sec. 12. Submission of map to commission.—Any such company, as soon as it has definitely established a route, but in any event not less than 30 days before the commencement of actual construction or installation, shall submit to the public utilities commission and to the governing body of each municipality through which it is proposed that such route shall pass, for their information, a map approved as to form by the public utilities commission, clearly setting forth the proposed route to be followed. (1955, c. 127, § 3.)

Sec. 13. Compliance with orders.—Any corporation subject to this chapter shall comply immediately with any proper order of the public utilities commission and any company failing to comply with any such order shall be fined not more than \$1,000 for each offense and shall reimburse any person whose property is damaged as a result of such failure for the amount of such property damage and shall be liable in double damages for any injury resulting to any person from such failure. (1955, c. 127, § 3.)

Sec. 14. Interstate and foreign commerce not affected.—No provision of this chapter or of any order or regulation thereunder shall apply to or be construed to apply to interstate or foreign commerce, except so far as such provision may be effective pursuant to the constitution of the United States under the laws of the United States enacted thereunder. (1955, c. 127, § 3.)

Chapter 51.

Rural Electrification Cooperatives.

Sec. 4. Powers.

Cited in *First Nat. Bank of Boston v. Maine Turnpike Authority*, 153 Me. 131, 136 A. (2d) 699.