

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
UTILITIES AND ENERGY**

JULY 1997

MEMBERS:

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Sen. John J. Cleveland

Sen. Philip E. Harriman

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

<u>Sponsor(s)</u> PENDLETON P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-163
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LD 1598 proposed to authorize the Department of Public Safety to enforce the laws regarding the protection of underground utility facilities, commonly referred to as the "dig safe laws."

Committee Amendment "A" (S-163) proposed the following.

1. To change the standard for the imposition of civil penalties under the so-called "dig safe law;"
2. To authorize the underground facility damage prevention system to contract with county sheriffs or appropriate municipal law enforcement entities to issue civil summonses for violations of the "dig safe law;"
3. To authorize the owner of an underground facility to seek a temporary restraining order or an injunction to stop an excavation that is causing or is likely to cause damage to the owner's facilities.

Enacted law summary

Public Law 1997, chapter 229 does the following.

1. It changes the standard for the imposition of civil penalties under the so-called "dig safe law." Under current law, an excavator is subject to the penalty if the excavator fails to notify owners of underground facilities located in the area of a proposed excavation and in fact damages the underground facility. Under this amendment, the excavator is subject to the penalty if the excavator fails to provide the required notice, regardless of whether actual damages to the facility occur, or if the excavator undertakes an excavation in a reckless or negligent manner that poses a threat to underground facilities.
2. It authorizes the underground facility damage prevention system to contract with county sheriffs or appropriate municipal law enforcement entities to issue civil summonses for violations of the "dig safe law."
3. It authorizes the owner of an underground facility to seek a temporary restraining order or an injunction to stop an excavation that is causing or is likely to cause damage to the owner's facilities. If the owner or operator prevails in the action, the owner or operator is entitled to recovery of the costs of bringing the action.