

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

L.D. 1036

STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-419)
109TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 838, L.D. 1036, Bill,
"AN ACT Relating to the Protection of Underground Facilities."

Amend the Bill in section 2 in that part designated
"§3360-A." by inserting at the end of paragraph D of
subsection 1 the following underlined sentence:
'This definition shall not include highway drainage culverts or
under drains.'

Further amend the Bill in section 2 in that part designated
"§3360-A." by inserting after paragraph A of subsection 1
the following:

'B. "Emergency excavation" means immediate excavation necessary
to prevent injury, death or loss of an existing vital service.'

Further amend the Bill in section 2 in that part designated
in subsection 1,
"§3360-A."/by relettering paragraphs B to D to be paragraphs
C to E.

Further amend the Bill in section 2 in that part designated
"§3360-A." by striking out all of subsection 2 and inserting
in its place the following:

'2. Responsibility of designers. Architects, engineers or
other persons designing or requiring excavation shall obtain recorded
information from persons with underground facilities, as to the
nature and location of underground facilities and then make
the information and location a part of the plan by which the
contractors operate.'

Further amend the Bill in section 2 in that part designated "§3360-A." by striking out all of the last underlined sentence of subsection 3 and inserting in its place the following:

'This notice shall be in writing or in person, to be delivered to the utility at its area place of business, at least 3 working days prior to the commencement of excavation.'

Further amend the Bill in section 2 in that part designated "§3360-A." by striking out in subsection 4 the underlined figure and word "18 inches" and inserting in their place the underlined figure and word '36 inches'

Further amend the Bill in section 2 in that part designated "§3360-A." by striking out all of subsection 5 and inserting in its place the following:

'5. Emergency excavations exempt. Emergency excavations are exempt from the provisions of this section.'

Further amend the Bill in section 2 in that part designated "§3360-A." by striking out all of paragraph B of subsection 9 and inserting in its place the following:

'B. Nothing in this section shall apply to state and state aid highway construction and maintenance activities performed by state maintenance forces.'

Further amend the Bill in section 2 in that part designated "§3360-A." by striking out all of subsection 10.

Statement of Fact

This amendment exempts buried culverts and highway underdrains from the provisions of the bill because location and marking of all underdrains and culverts in the State is an impossible task. In addition, emergency excavation and state maintenance activities are also exempt from the provisions of the bill.

This amendment clarifies the procedure by which notice of excavation is provided to utilities and increases the notice period from 2 to 3 working days. Another change pertains to the marking of the location of underground facilities. The bill requires markings of 18 inches from either side of the underground facility. Since 18 inches does not provide sufficient variance for error, the variance is increased to 36 inches.

The amendment also removes the penalty clause, and violation of the provisions of the bill will incur the general penalties in the highway law.