

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 597

H.P. 432

House of Representatives, March 6, 1989

Submitted by the Department of Transportation pursuant to Joint Rule 24.
Reference to the Committee on Transportation suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

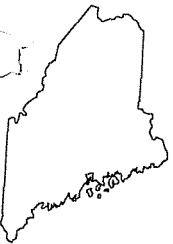
Presented by Representative BAILEY of Farmington.

Cosponsored by Representative RICHARD of Madison, Representative STROUT of Corinth and Senator TWITCHELL of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act Relating to the Dig-safe Law.



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

3 **23 MRSA §3360-A, sub-§9, ¶A,** as enacted by PL 1979, c. 362,
5 §2, is amended to read:

7 A. Nothing in this section ~~shall apply~~ applies to the
9 Department of Transportation, a public utility, municipal
11 public works department or sewer district, if written or
13 verbal notice of the approximate location and time of that
excavation is given by that utility, department or district
to a designated representative of those other utilities,
districts, municipal sewer or public works departments prior
to any excavation taking place.

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STATEMENT OF FACT

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Prior to the passage of Public Law 1985, chapter 111,
sections 1 and 2, the Department of Transportation was exempt
from the Maine Revised Statutes, Title 23, section 3360-A for
highway construction and maintenance activities on state and
state aid highways. In 1985, this exemption was removed with the
exception of the installation and maintenance of highway signs.

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Many public utilities which maintain underground facilities
have joined a network known as Operation Dig Safe, which provides
a toll free number for use by municipal public works departments
and other public utilities whenever they excavate. Use of this
network is provided by Title 23, section 3360-A, subsection 9,
paragraph A, which permits public utilities and municipal public
works departments to notify the affected owner of the underground
facility by either written or verbal notice. Due to an
oversight, when the Department of Transportation's exemption was
removed in 1985, the department was not added to Title 23,
section 3360-A, subsection 9, paragraph A. This bill corrects
that oversight by adding the Department of Transportation to
permit the department to participate in the Operation Dig Safe
program.