

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1598

S.P. 514

In Senate, March 20, 1997

**An Act to Provide for Enforcement of the Laws Regarding the Protection
of Underground Utility Facilities.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PENDLETON of Cumberland.
Cosponsored by Senators: CAREY of Kennebec, CASSIDY of Washington, LaFOUNTAIN
of York, O'GARA of Cumberland, Representatives: DRISCOLL of Calais, GIERINGER of
Portland, O'NEAL of Limestone, TAYLOR of Cumberland.

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

2 Sec. 1. 23 MRSA §3360-A, sub-§1, ¶A-1 is enacted to read:

4 A-1. "Department" means the Department of Public Safety.

6 Sec. 2. 23 MRSA §3360-A, sub-§§11 to 13 are enacted to read:

8 11. Rulemaking. No later than January 1, 1998, the
10 department shall adopt rules to establish:

12 A. Minimum requirements for the enforcement of this chapter;

14 B. Procedures for the investigation of complaints relating
16 to the operation of the system; and

18 C. Emergency situations for which notice of excavation is
not required.

20 The Commissioner of Public Safety shall consult with the chair of
22 the Public Utilities Commission, the Commissioner of
24 Transportation and the Commissioner of Environmental Protection
26 to ensure that the views of those departments are considered in
the development of the rules. Rules adopted pursuant to this
subsection are routine technical rules as defined in Title 5,
chapter 375, subchapter II-A.

28 12. Enforcement. The department or any departmental
30 employee or class of employees designated by the Commissioner of
Public Safety may enforce the provisions of this section.

32 An excavator or utility company that violates this section is
34 subject to a civil penalty determined by the department as
authorized by this section.

36 An excavator or utility company that suffers damage resulting
38 from a violation of this section may petition the department to
initiate an enforcement action.

40 13. Injunctions. A company that owns or maintains an
42 underground utility facility may commence an action for a
44 temporary restraining order or injunction to prevent a person
46 from making or proposing to make an excavation in a negligent or
48 unsafe manner that may result in damage to the underground
utility facility.

SUMMARY

50 This bill authorizes the Department of Public Safety to
52 enforce the laws regarding the protection of underground utility
facilities, commonly referred to as the "dig safe laws."