

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2025

S.P. 747

In Senate, January 15, 1998

**An Act to Reduce Technical Violations of Maine's Laws Regarding the
Protection of Underground Utilities.**

Submitted by the Department of Transportation pursuant to Joint Rule 204.
Reference to the Committee on Transportation 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 HARRIMAN of Cumberland.
Cosponsored by Representative JONES of Greenville and
Senator CLEVELAND of Androscoggin.

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

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Sec. 1. 23 MRSA §3360-A, sub-§6-A, ¶A, as amended by PL 1997,
4 c. 229, §1, is further amended to read:

6 A. An excavator who does not give notice of an excavation
as required under subsection 3 or who undertakes the
8 excavation in a reckless or negligent manner that poses a
threat to an underground facility commits a civil violation
10 and is subject to a civil forfeiture of up to \$1,000 in
addition to any other remedies or forfeitures provided by
12 law or any liability for actual damages, except that the
department, the Maine Turnpike Authority and minor civil
14 divisions do not commit a civil violation and are not
subject to a civil forfeiture unless an underground facility
16 is damaged.

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SUMMARY

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22 This bill excludes the Department of Transportation, the
Maine Turnpike Authority and minor civil divisions from civil
penalties for technical violations of the State's "dig safe" laws.