

# MAINE STATE LEGISLATURE

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M  
5-21-03

L.D. 1604

DATE: 5-21-03

(Filing No. S-224)

NATURAL RESOURCES

Reported by:

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STATE OF MAINE  
SENATE  
121ST LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 558, L.D. 1604, Bill, "An Act To Expedite the Drilling of Private Drinking Water Wells"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 23 MRSA §3360-A, sub-§3, ¶A, as enacted by PL 1991, c. 437, §3 and affected by §12, is amended to read:

A. In addition to any other notices required under this section, each excavator shall notify the system of the location of the intended excavation at least 3 business days but not more than 30 calendar days prior to the commencement of excavation, except as provided in paragraph G.

Sec. 2. 23 MRSA §3360-A, sub-§3, ¶G is enacted to read:

G. If an excavator notifies the system and nonmember operators as required by this section and is informed by the system and each nonmember operator, including private landowners, that no underground facilities exist in the proposed excavation area, then the excavator is not required to wait the 3 days as required by this subsection and subsection 10 and may begin excavation immediately.

Sec. 3. 23 MRSA §3360-A, sub-§5-F is enacted to read:

2 5-F. Water well construction; rulemaking. The Public  
3 Utilities Commission shall by rule establish notice requirements  
4 for excavation associated with drinking water well construction.  
5 In establishing the rule, the commission shall consider:

6 A. Whether notice requirements established in the rule  
7 should be limited to the drilling of a well or should also  
8 apply to other excavation associated with well construction  
9 activities, such as trenching for installation of pipes and  
10 equipment;

11 B. Whether notice requirements established in the rule  
12 should be based on factors such as geographic location,  
13 population density or other criteria bearing on the  
14 efficiency and effectiveness of the notification process and  
15 any offsetting public safety risks;

16 C. Whether the amount of time required for notice prior to  
17 excavation should be reduced; and

18 D. Any notice requirements associated with drinking water  
19 well construction that the commission determines appropriate.

20 Rules adopted pursuant to this subsection are major substantive  
21 rules as defined in Title 5, chapter 375, subchapter 2-A.

22 **Sec. 4. Rulemaking.** The Public Utilities Commission shall  
23 submit rules made pursuant to the Maine Revised Statutes, Title  
24 23, section 3360-A, subsection 5-F to the Joint Standing  
25 Committee on Utilities and Energy for review no later than  
26 February 1, 2004.'

## 34 SUMMARY

35 The amendment allows all excavators to begin excavation  
36 immediately in locations in which all facility owners have  
37 indicated to the excavator or to the system that no underground  
38 facilities exist. The amendment also directs the Public  
39 Utilities Commission to establish by rule notice requirements for  
40 excavation associated with drinking water well construction. The  
41 rules are major substantive rules and must be submitted to the  
42 Joint Standing Committee on Utilities and Energy by February 1,  
43 2004.

FISCAL NOTE REQUIRED  
(See attached)

Approved: 05/16/03 *MAC*

**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 1604**

**An Act To Expedite the Drilling of Private Drinking Water Wells**



**LR 2034(02)**

**Fiscal Note for Bill as Amended by Committee Amendment *A 224***

**Committee: Natural Resources**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Minor cost increase - Other Special Revenue Funds