

# MAINE STATE LEGISLATURE

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A.O.S.

L.D. 1846

DATE: 3-18-04

(Filing No. H-776)

UTILITIES AND ENERGY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1372, L.D. 1846, "Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission"

Amend the resolve by striking out all of section 1 and inserting in its place the following:

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. In the provision identified in the rule as Section 6(A)(1)(d) the language is modified to read substantially as follows:

d. Except as otherwise provided in this provision of the rule, each Dig Safe System member shall provide to the Dig Safe System the location of all underground facilities that the member would be obligated to mark upon receipt of notice pursuant to Section 6(B). The location must be identified either by association with a street or road, if the facility is within 100 feet of a street or road, or, if the facility is not within 100 feet of a street or road, with sufficient specificity to allow the Dig Safe System to determine the

**COMMITTEE AMENDMENT**

2 actual location of the facility within a tolerance of 133  
3 feet and in a manner consistent with Dig Safe System  
4 methodology. The member shall provide the information to  
5 the Dig Safe System to rely on for notification purposes  
6 and, unless otherwise specified in this rule, the member  
7 shall provide the information in a format that the Dig Safe  
8 System is capable of using, such as electronic or digital  
9 format, or by drawing the specific location of any  
10 underground facilities on maps provided by the Dig Safe  
11 System. Telephone utilities are not required under this  
12 provision to provide to the Dig Safe System the location of  
13 service drops from a main line to customer premises. The  
14 commission shall grant a waiver from this provision for any  
15 water utility transmission mains that are downstream of a  
16 treatment plant or underground water source and may require  
17 the water utility to provide the Dig Safe System with an  
18 alternative method of facility location specification, such  
19 as a corridor, for notification purposes.

20 2. A provision is added specifying that the provisions  
21 identified as Section 4(B)(1)(a)(ii), Section 6(A)(1)(d) and  
22 Section 7(A-1) do not take effect until May 1, 2005.

24 3. The provision identified in the rule as Section 5(B)(9)  
25 is amended to read substantially as follows:

26 9. The Dig Safe System shall restrict the use of facility  
27 location information provided by Maine operators to those  
28 uses required to perform its duties under this rule and will  
29 restrict access to the facility location information to  
30 those employees of the Dig Safe System performing such  
31 duties. Access to Maine facility location information shall  
32 not be available to the general public by electronic or  
33 digital technology or by copies of maps or plans. The Dig  
34 Safe System shall use reasonable care to maintain all  
35 facility location information provided by Maine operators in  
36 a secure manner and the commission may initiate an  
37 appropriate investigation to review security protocols.

40 The commission is not required to hold hearings or conduct  
41 other formal proceedings prior to finally adopting the rule in  
42 accordance with this resolve.'

#### 44 SUMMARY

46 This amendment authorizes final adoption of portions of  
47 Chapter 895: Underground Facility Damage Prevention Requirements,  
48 a provisionally adopted major substantive rule of the Public  
49 Utilities Commission, provided certain changes are made. The

required changes will:

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4 1. Clarify language regarding the facilities about which  
6 members of the Dig Safe System are required to provide location  
8 information to the Dig Safe System for mapping purposes, remove a  
requirement that members of the Dig Safe System provide such  
information in a particular format and add a requirement that the  
information locate facilities with a certain degree of accuracy;

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12 2. Add a provision specifying that telephone utilities are  
not required to provide to the Dig Safe System for mapping  
purposes the location of service drops from a main line to  
customer premises;

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16 3. Add a provision requiring the Public Utilities  
Commission to grant a waiver from the mapping requirements for  
any water utility transmission mains that are downstream of a  
18 treatment plant or underground water source and permitting the  
Public Utilities Commission to require the utility to provide an  
20 alternative method of facility location specification;

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24 4. Add a provision specifying that the mapping requirements  
do not take effect until May 1, 2005; and

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28 5. Modify language governing the handling of facility  
information in the possession of the Dig Safe System to ensure  
the security of that information.

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**FISCAL NOTE REQUIRED**  
**(See attached)**

Approved: 03/10/04 *MAC*

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



**LD 1846**

**Resolve, Regarding Legislative Review of Portions of Chapter 895:  
Underground Facility Damage Prevention Requirements, a Major  
Substantive Rule of the Public Utilities Commission**

**LR 2746(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Utilities and Energy**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Minor cost increase - Other Special Revenue Funds