

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 331

H.P. 254

House of Representatives, January 20, 2005

An Act To Improve the Operation of Underground Damage Prevention Procedures

Submitted by the Public Utilities Commission pursuant to Joint Rule 204.
Reference to the Committee on Utilities and Energy suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BLISS of South Portland.
Cosponsored by Senator BARTLETT of Cumberland.

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

4 **Sec. 1. 23 MRSA §3360-A, sub-§§5-G and 5-H** are enacted to read:

6 **5-G. Alternative notice requirement procedures for excavations; rulemaking.** The Public Utilities Commission may by rule extend alternative notice requirements established for excavation associated with drinking water well construction pursuant to subsection 5-F to other types of excavation. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

12 **5-H. Newly installed underground facilities in active excavation areas; rulemaking.** The Public Utilities Commission shall by rule establish procedures to reduce the incidence of damage to newly installed underground facilities in active excavation areas as defined by the commission by rule. In establishing the rule, the commission may consider adopting additional requirements for excavators or operators, including renotification and marking requirements and system notification procedures. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

24 **Sec. 2. 23 MRSA §3360-A, sub-§6-C, ¶D,** as amended by PL 2001, c. 577, §9, is further amended to read:

28 D. Failure of an underground facility operator to ~~mark the location of the operator's underground facilities within the time limits required by~~ comply with the requirements of subsection 4;

32 **Sec. 3. 23 MRSA §3360-A, sub-§13** is enacted to read:

34 **13. Rules.** The Public Utilities Commission may adopt rules necessary to implement this section. Except as otherwise specified in this section, rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

42 **SUMMARY**

44 This bill revises the laws governing underground damage prevention procedures. The bill authorizes the Public Utilities Commission to extend, through rule, excavation notification requirements that apply to drinking water well construction to other types of excavation. It directs the commission to establish through rule procedures to reduce the incidence of damage to underground facilities in active excavation areas. It

clarifies that the commission may fine operators who do not
2 comply with both the timing and manner of marking required by
law. Finally, it gives the commission authority to adopt rules
4 to implement the damage prevention laws.