

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1282

H.P. 879

House of Representatives, March 15, 2005

### An Act To Clarify the Process To Enforce Dig Safe Requirements

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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-§6-D** is enacted to read:

6 6-D. Exemptions; evidence of record. Notwithstanding  
8 subsection 6-C, the Public Utilities Commission may not impose  
10 any penalty on a violator or require participation in an  
12 educational program if:

14 A. Fewer than 2% of the excavations undertaken or locations  
16 marked by the violator in the previous 12 months resulted in  
18 violations;

20 B. The cost to repair facilities damaged by the current  
22 violation is less than \$5,000; and

24 C. There were no injuries as a result of the violation.

### 26 SUMMARY

28 This bill is designed to give the Public Utilities  
30 Commission guidelines in establishing when a fine or further  
education is required as a result of violations by an excavator.  
The guidelines are included to assist the commission in  
interpreting existing language that requires the commission,  
before it imposes penalties, to consider evidence of the record  
of the violator, including, to the extent applicable, the number  
of successful excavations undertaken by the violator or the  
number of locations successfully marked by the violator during  
the prior 12 months.