

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 407

H.P. 325

House of Representatives, February 8, 2011

An Act To Require Clarification of the Dig Safe Standards

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CRAY of Palmyra.
Cosponsored by Senator THIBODEAU of Waldo and
Representatives: CEBRA of Naples, GIFFORD of Lincoln.

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

2 **Sec. 1. 23 MRSA §3360-A, sub-§13**, as enacted by PL 2005, c. 334, §3, is
3 amended to read:

4 **13. Rules.** The Public Utilities Commission may adopt rules necessary to implement
5 this section. The rules must include a clear enunciation of the standards applicable to
6 excavations under this subchapter, including guidance on notice requirements and
7 acceptable premarking procedures. Except as otherwise specified in this section, rules
8 adopted under this section are major substantive rules as defined in Title 5, chapter 375,
9 subchapter 2-A.

10 **Sec. 2. Working group; Dig Safe standards.** The Public Utilities Commission
11 shall convene a working group to study issues relating to clarifying the rules applicable to
12 the dig safe system adopted pursuant to the Maine Revised Statutes, Title 23, section
13 3360-A, subsection 13. The working group must include but is not limited to
14 representatives from affected citizen groups, including entities engaging in excavation
15 activities. The working group shall investigate the feasibility of clarifying the rules to
16 facilitate compliance with applicable statutes and rules and to eliminate regulatory
17 uncertainty. The working group shall also develop guidance on notice requirements and
18 acceptable premarking procedures. The Public Utilities Commission shall report to the
19 Joint Standing Committee on Energy, Utilities and Technology with findings and
20 recommendations no later than January 15, 2012.

21 **SUMMARY**

22 This bill requires the Public Utilities Commission to clarify the rules applicable to the
23 dig safe underground facility damage prevention system to include a clear enunciation of
24 the standards applicable to excavations around state highways, including guidance on
25 notice requirements and acceptable premarking procedures. The bill also requires the
26 Public Utilities Commission to convene a working group to study issues relating to
27 clarifying the rules applicable to the dig safe system and to develop guidance on notice
28 requirements and acceptable premarking procedures.