

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

BMS  
ROPS  
2

Date: 3/15/12

L.D. 1792  
(Filing No. H-787)

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

**ENERGY, UTILITIES AND TECHNOLOGY**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1317, L.D. 1792, "Resolve, Regarding Legislative Review of Portions of Chapter 421: Safety and Operation Standards for Liquefied Petroleum Gas (LPG) Distribution Systems, a Major Substantive Rule of the Public Utilities Commission"

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

**'Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 421: Safety and Operation Standards for Liquefied Petroleum Gas (LPG) Distribution Systems, 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 commission:

1. Removes the definition of "customer";
2. Amends the rule to clarify that a liquefied petroleum gas system operator is any person who owns and engages in the transportation of liquefied petroleum gas through a jurisdictional liquefied petroleum gas system or a person who is contracted to serve as the operator by a person who owns and engages in the transportation of liquefied petroleum gas through a jurisdictional liquefied petroleum gas system;
3. Adds a provision that requires by July 1, 2012 liquefied petroleum gas suppliers to implement modified operation and maintenance procedures that include a "Red Tag" or hazardous equipment procedure for suspending service to a customer and marking the customer's system when a hazardous condition is noted that makes the continued delivery of liquefied petroleum gas unsafe;
4. Amends the rule so that liquefied petroleum gas system operators are not required to keep records for more than one year unless required by federal law;
5. Amends the rule so that liquefied petroleum gas system operators are not required to promote to excavators the "811" and "OK to Dig" notification process;

**COMMITTEE AMENDMENT**

**ROFS**

COMMITTEE AMENDMENT "A" to H.P. 1317, L.D. 1792

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

6. Amends the rule to allow the commission to grant a liquefied petroleum gas system operator 30 days in which to take corrective action before the commission issues a formal written notice of probable violation when an evaluation of an operator's records and facilities indicates that the operator is violating the rule or applicable state or federal law; and

7. Amends the rule by striking provisions related to requirements that apply when snow can be expected to cover any liquefied petroleum gas tank.'

**SUMMARY**

This amendment conditionally authorizes portions of Chapter 421: Safety and Operation Standards for Liquefied Petroleum Gas (LPG) Distribution Systems, a major substantive rule of the Public Utilities Commission. The amendment directs the commission to remove the definition of "customer," provisions related to certain snow safety requirements and the requirement for liquefied petroleum gas system operators to promote the "811" and "OK to Dig" notification process. It requires the commission to amend provisions related to operators, "Red Tag" marking requirements, record retention requirements and corrective action periods when a violation is noted.

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

**COMMITTEE AMENDMENT**



**ROFS**

# 125th MAINE LEGISLATURE

LD 1792

LR 2722(02)

Resolve, Regarding Legislative Review of Portions of Chapter 421: Safety and Operation Standards for Liquefied Petroleum Gas (LPG) Distribution Systems, a Major Substantive Rule of the Public Utilities Commission

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

Committee: Energy, Utilities and Technology

Fiscal Note Required: Yes

---

## Fiscal Note

Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

The bill provides for the conditional final adoption of portions of Chapter 421, Safety and Operations Standards for Liquefied Petroleum Gas (LPG) Distribution Systems, a major substantive rule of the Public Utilities Commission. The Commission is required to repeal the definition of customer and provisions related to snow stake requirements, as well as the requirement for operators to promote the "OK to dig" notification process. The Commission is required to amend provisions related to the definition of operator, red tag marking requirements, record retention requirements and corrective action periods when a violation is noted. The Commission will incur only minor costs that can be absorbed within existing budgeted resources in implementing these changes.