

# MAINE STATE LEGISLATURE

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L.D. 1124

Date: 6/12/15

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ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE

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HOUSE OF REPRESENTATIVES

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127TH LEGISLATURE

8

FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 775, L.D. 1124, Bill, "An Act To Manage Risks Associated with the Installation of Natural Gas Pipelines"

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Amend the bill by striking out all of sections 3 to 5 and inserting the following:

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'Sec. 3. 35-A MRSA §2503, sub-§21, as enacted by PL 1999, c. 753, §12, is repealed and the following enacted in its place:

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21. Default standards. This subsection governs standards applied by local licensing authorities.

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A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

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(1) "Local licensing authority" means municipal officers or their designees or county commissioners.

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(2) "Underground location standards" means standards governing the location and depth of and distance between utility facilities, including the underground portion of aboveground facilities such as utility pole bases.

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B. For all state and state-aid highways within compact areas of urban compact municipalities as defined in Title 23, section 754, rules adopted by the Department of Transportation under subsection 16 serve as the minimum standard.

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C. Except within areas identified in paragraph B, a local licensing authority may adopt underground location standards for utility facilities within its jurisdiction as designated in section 2502, subsection 1, paragraph A or B. If a local licensing authority has not adopted underground location standards for utility facilities, the underground location standards adopted by the Department of Transportation under subsection 16 govern.

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D. A local licensing authority that has not adopted underground location standards for utility facilities in accordance with paragraph C may grant exceptions to the underground location standards adopted by the Department of Transportation under subsection 16 if the licensing authority finds one of the following:

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COMMITTEE AMENDMENT

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(1) Application of the underground location standards would present an exceptional hardship or unreasonable cost under the circumstances and alternative standards will adequately ensure public safety;

(2) All affected parties, as determined by the local licensing authority, have agreed to alternative underground location standards that will adequately ensure public safety;

(3) A unique situation exists that requires an adjustment of the standards in a manner that ensures public safety; or

(4) The underground location standards exceed the limits of the available space within the right-of-way.

E. The owners of a new, planned underground utility facility shall coordinate directly with owners of existing underground utility facilities in the public way during the design phase of the new, planned facility. Both the new and existing facility owners shall make reasonable accommodation for each other's facilities in accordance with applicable underground location standards to allow ease of access to and maintenance of those facilities and adequately ensure public safety.'

17 **SUMMARY**

18 This amendment retains sections of the bill that address the application process and  
19 objection process relating to the regulation of facilities in the public way. This  
20 amendment defines "underground location standards" and specifies that a local licensing  
21 authority may adopt underground location standards for utility facilities within its  
22 jurisdiction, except along state or state-aid highways within compact areas of urban  
23 compact municipalities, in which case the location standards adopted by the Department  
24 of Transportation serve as the minimum standard. The amendment specifies that if a  
25 local licensing authority has not adopted underground location standards for utility  
26 facilities within its jurisdiction, the standards adopted by the Department of  
27 Transportation govern. This amendment allows a local licensing authority that has not  
28 adopted standards to grant an exception to the standards adopted by the Department of  
29 Transportation if it finds that applying the standards would present an exceptional  
30 hardship or unreasonable cost under the circumstances and alternative standards will  
31 adequately ensure public safety; all affected parties, as determined by the local licensing  
32 authority, have agreed to alternative underground location standards that will adequately  
33 ensure public safety; a unique situation exists that requires an adjustment of the standards  
34 in a manner that ensures public safety; or the underground location standards exceed the  
35 limits of the available space within the right-of-way. Lastly, this amendment requires  
36 coordination among underground utility facility owners.

**COMMITTEE AMENDMENT**