

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1124

H.P. 775

House of Representatives, March 26, 2015

### **An Act To Manage Risks Associated with the Installation of Natural Gas Pipelines**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative DUNPHY of Embden.  
Cosponsored by Senator WOODSOME of York and  
Representatives: BABBIDGE of Kennebunk, BEAVERS of South Berwick, DeCHANT of Bath, HIGGINS of Dover-Foxcroft, O'CONNOR of Berwick, RYKERSON of Kittery,  
Senator: BREEN of Cumberland.

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

2 **Sec. 1. 35-A MRSA §2503, sub-§1**, as enacted by PL 1987, c. 141, Pt. A, §6, is  
3 amended to read:

4 **1. Application.** The application must be in writing and describe the facilities, the  
5 requested location, evidence of notice provided to owners of facilities in the applicable  
6 public way, the minimum depth if an underground facility, the minimum height of any  
7 attached wires or cables, if ~~above-ground~~ aboveground facilities, all in the manner and  
8 form ~~which~~ that the licensing authority requires.

9 **Sec. 2. 35-A MRSA §2503, sub-§3**, as enacted by PL 1987, c. 141, Pt. A, §6, is  
10 amended to read:

11 **3. Objection.** Objection to the application may be filed according to this subsection.

12 A. Any person owning property ~~which~~ that abuts the applicable public way or any  
13 owner of facilities in the applicable public way may file a written objection with the  
14 appropriate licensing authority within 14 days after publication by the applicant. The  
15 written objection ~~shall~~ must state the reason for the objection. The written objection  
16 must be served by delivery in hand or by registered or certified mail.

17 B. If the applicant proceeds without publication of the application, any person  
18 owning property ~~which~~ that abuts the applicable public way or any owner of facilities  
19 in the applicable public way may file a written objection with the appropriate  
20 licensing authority within 90 days after installation of the facility described in the  
21 application. The written objection ~~shall~~ must state the cause for the objection. The  
22 written objection must be served by delivery in hand or by registered or certified  
23 mail.

24 **Sec. 3. 35-A MRSA §2503, sub-§§5 to 7**, as enacted by PL 1987, c. 141, Pt. A,  
25 §6, are amended to read:

26 **5. Permits.** The location permit ~~shall~~ must specify the approximate location of the  
27 facility, the minimum separation distances from other facilities and the minimum depth of  
28 any pipes or conduits below; or the minimum height of any wires or cables above; the  
29 earth's surface. The licensing authority must specify location requirements in accordance  
30 with applicable laws, rules or policies adopted by the Public Utilities Commission and the  
31 Department of Transportation. The licensing authority may specify in the permit other  
32 more stringent requirements determined necessary in the best interests of the public safety  
33 and use of the right-of-way so as not to obstruct use for public travel.

34 **6. Liability.** Installation and maintenance of the facility and its appurtenances in  
35 accordance with the terms of the permit and the provisions of chapter 23 and this chapter  
36 relieve the applicant of liability to others by reason of location of its facility and  
37 appurtenances and no person has any right of recovery under Title 23, section 3655,  
38 because of the location, installation and maintenance and the applicant ~~will be~~ is liable  
39 only for acts of negligence in the installation or maintenance of the facility and its  
40 appurtenances.

1           **7. Alteration.** After the facility is installed, the licensing authority may alter or  
2 amend the permit if the installation is determined to impair the highway improvement or  
3 interfere with the free and safe flow of traffic or interfere with another facility. The  
4 procedure for an applicant; or for the licensing authority under this subsection; to alter or  
5 amend the terms of a location permit after construction or installation of the facility is the  
6 same as for any original application for a permit.

7           **Sec. 4. 35-A MRSA §4506, sub-§§6 to 11** are enacted to read:

8           **6. Clearance between underground facilities.** A natural gas pipeline must be  
9 installed with at least 6 feet of horizontal clearance and 2 feet of vertical clearance from  
10 any underground facilities.

11           **7. Crossings of other underground facilities.** A natural gas pipeline must cross  
12 other underground facilities as close to 90 degrees as practicable and may not be installed  
13 longitudinally over or under another underground facility.

14           **8. Installation of nonconductive pipe, marking tape and tracer wire.** Marking  
15 tape and tracer wire or other means of locating gas facilities must be installed with  
16 nonconductive natural gas pipelines. Upon installation, tracer wire must be tested for  
17 continuity.

18           **9. Notification of other utilities when electric current is applied to gas pipeline.**  
19 When electric current is applied to natural gas pipelines for corrosion control or other  
20 purposes, the owner of the natural gas pipeline must notify the owners of other proximate  
21 underground facilities and provide them with information on the location, nature and  
22 extent of those practices.

23           **10. Consult with owners.** The owner of the natural gas pipeline shall consult with  
24 the owners of proximate underground facilities in order to provide measures for proper  
25 maintenance and to protect against damage that might result from proximity to these  
26 facilities.

27           **11. Rules.** The commission may adopt rules that allow appropriate deviations from  
28 the requirements set out in this section and grant waivers from these requirements for  
29 good cause shown, while still protecting public safety. Rules adopted pursuant to this  
30 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

31           **Sec. 5. 35-A MRSA §4713** is enacted to read:

32           **§4713. Construction requirements**

33           **1. Clearance between underground facilities.** A natural gas pipeline must be  
34 installed with at least 6 feet of horizontal clearance and 2 feet of vertical clearance from  
35 any underground facilities.

36           **2. Crossings of other underground facilities.** A natural gas pipeline must cross  
37 other underground facilities as close to 90 degrees as practicable and may not be installed  
38 longitudinally over or under another underground facility.

1 **3. Installation of nonconductive pipe, marking tape and tracer wire.** Marking  
2 tape and tracer wire or other means of locating gas facilities must be installed with  
3 nonconductive natural gas pipelines. Upon installation, tracer wire must be tested for  
4 continuity.

5 **4. Notification of other utilities when electric current is applied to gas pipelines.**  
6 When electric current is applied to natural gas pipelines for corrosion control or other  
7 purposes, the owner of the natural gas pipeline must notify the owners of other proximate  
8 underground facilities and provide them with information on the location, nature and  
9 extent of those practices.

10 **5. Consult with owners.** The owner of the natural gas pipeline shall consult with  
11 the owners of proximate underground facilities in order to provide measures for proper  
12 maintenance and to protect against damage that might result from proximity to these  
13 facilities.

14 **6. Rules.** The commission may adopt rules that allow appropriate deviations from  
15 the requirements set out in this section and grant waivers from these requirements for  
16 good cause shown, while still protecting public safety. Rules adopted pursuant to this  
17 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

18 **SUMMARY**

19 This bill enacts construction requirements in statute for the construction of natural  
20 gas pipelines and establishes these requirements for gas utilities. The requirements  
21 govern clearance between underground facilities, crossings of other facilities and  
22 consultation with owners of proximate underground facilities. The bill also requires that  
23 the application process include providing evidence of notice to owners of facilities in the  
24 applicable public way.