

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES  
AND TECHNOLOGY**

May 2014

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**STATE OF MAINE**  
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**LEGISLATIVE DIGEST OF BILL SUMMARIES AND**  
**ENACTED LAWS**

The *Digest* is arranged within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*.....carried over to a subsequent session of the Legislature  
*CON RES XXX* ..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES* .....House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE* ..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT* ..... action incomplete when session ended; legislation died  
*EMERGENCY* .....enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*.....emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*.....legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*.....sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*.....ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX* ..... chapter # of enacted public Law  
*RESOLVE XXX* ..... chapter # of finally passed resolve  
*VETO SUSTAINED*.....Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the Second Regular Session of the 126<sup>th</sup> Legislature is August 1, 2014. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Energy, Utilities and Technology*

Office encouraging the participation of municipalities in the natural gas working group meetings that are convened by the Governor's Energy Office.

**LD 1647 An Act To Make Changes to the So-called Dig Safe Law**

**PUBLIC 557**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND HOBBINS	OTP-AM	S-471

This bill makes liquefied propane gas distribution systems that are not included within the scope of 49 Code of Federal Regulations, Part 192 subject to the so-called Dig Safe Law, with the exception of distribution systems that provide service to single-family residences or businesses with fewer than five employees. The bill also changes the requirement that an excavator notify the Dig Safe system of the location of the intended excavation from not more than 30 calendar days prior to commencement of the excavation to not more than 60 days and clarifies that excavators must renew notification to the owners or operators of underground facilities for each successive 60-day period during which they will be excavating.

The bill also modifies the provision that allows excavators to commence excavation on underground facilities located on private property that are owned and operated by the owner of that property before those facilities are marked or the passing of three business days from the date of notification, whichever occurs earlier so that it only applies when the underground facilities provide service to a single-family residence.

**Committee Amendment "A" (S-471)**

This amendment strikes section 1 of the bill, which expanded the types of underground facility operators who are required to be members of the underground damage prevention system. This amendment also strikes section 2 of the bill, which increased the number of days within which an excavator is required to provide notice to the system from 30 days before the excavation to 60 days before the excavation.

This amendment adds a provision that requires the Public Utilities Commission to review its rules regarding underground facility damage prevention and excavator and underground facility operator practices to identify ways to decrease the number of notices that do not result in a marking that are issued by the damage prevention system. The commission may submit a report with recommended changes to the law to the joint standing committee of the Legislature having jurisdiction over utility matters. The committee may report out a bill to the First Regular Session of the 127th Legislature.

**Enacted Law Summary**

Public Law 2013, chapter 557 requires that excavators renew notification to the owners or operators of underground facilities for each successive 60-day period during which they will be excavating. The law also modifies the provision that allows excavators to commence excavation on underground facilities located on private property that are owned and operated by the owner of that property before those facilities are marked or the passing of three business days from the date of notification, whichever occurs earlier so that it only applies when the underground facilities provide service to a single-family residence.

The law requires the Public Utilities Commission to review its rules regarding underground facility damage prevention and excavator and underground facility operator practices to identify ways to decrease the number of notices that do not result in a marking that are issued by the damage prevention system. The commission may submit a report with recommended changes to the law to the joint standing committee of the Legislature having jurisdiction over utility matters. The committee may report out a bill to the First Regular Session of the 127th Legislature.