

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND TWELVE

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**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**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;

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.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

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In House of Representatives, ..... 2012

Read and passed finally.

..... Speaker

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In Senate, ..... 2012

Read and passed finally.

..... President

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Approved ..... 2012

..... Governor