

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FOUR

—
S.P. 967 - L.D. 2245

**An Act to Clarify the Definition of "Underground Facility" and Reduce
Administrative Burdens Under the So-called Dig Safe Law**

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

Sec. 1. 23 MRSA §3360-A, sub-§1, ¶E, as amended by PL 2019, c. 592, §1, is further amended to read:

E. "Underground facility" means any item of personal property buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, electric energy, oil, gas, liquefied propane gas or other substances and including, but not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, appurtenances and those parts of poles below ground. ~~Except for liquefied propane gas distribution systems that have underground pipes, "underground facility" does not include liquefied propane gas distribution systems that are not included within the scope of 49 Code of Federal Regulations, Part 192. "Underground facility" does not include highway drainage culverts or under drains.:~~

- (1) Highway drainage culverts or under drains; or
- (2) Liquefied propane gas distribution systems that have underground pipes located on a residential lot if:
 - (a) The residential lot has no more than one structure connected by underground pipes to a liquefied propane gas distribution system;
 - (b) The structure that is connected by underground pipes to a liquefied propane gas distribution system contains no more than 2 dwelling units; and
 - (c) The liquefied propane gas tank is located 25 feet or less from that structure.

Sec. 2. 23 MRSA §3360-A, sub-§1, ¶F, as amended by PL 2001, c. 577, §3, is further amended to read:

F. "Underground facility operator" means the owner or operator of any underground facility, other than an underground oil storage facility as defined in Title 38, section 562-A, subsection 21 or an airport aviation fuel hydrant piping system, used in

furnishing electric, telephone, telegraph, gas, petroleum transportation, liquefied propane gas or cable television service. "Underground facility operator" does not include a municipality or a public utility with fewer than 5 full-time employees or fewer than 300 customers or a person that owns underground facilities on its own property for commercial or residential purposes.

Sec. 3. Public Utilities Commission; rules. The Public Utilities Commission shall initiate rulemaking to amend its rule Chapter 895: Underground Facility Damage Prevention Requirements to reduce the administrative burdens for underground facility operators as defined in the Maine Revised Statutes, Title 23, section 3360-A, subsection 1, paragraph F. Notwithstanding Title 23, section 3360-A, subsection 13, rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.