

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Move Propane Safety Oversight to the Maine Fuel Board

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

Sec. 1. 32 MRSA §18123, sub-§2, as amended by PL 2009, c. 652, Pt. A, §47, is further amended to read:

2. Rules. The board may, in accordance with the Maine Administrative Procedure Act, adopt rules commensurate with the authority vested in it by this chapter, including, but not limited to, rules adopting technical standards for the proper installation and servicing of oil, solid fuel, propane and natural gas burning equipment. Rules adopted pursuant to this subsection may not prohibit the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom. The board may adopt by rule national or other technical standards, in whole or in part, that it considers necessary to carry out the provisions of this chapter. The board shall adopt rules governing the safety of propane gas systems within the board's jurisdiction under subsection 4. Rules adopted pursuant to this chapter are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 2. 32 MRSA §18123, sub-§4 is enacted to read:

4. Propane gas safety. The board shall, in accordance with applicable federal laws, regulate, oversee and ensure the safety of propane gas systems that serve:

A. Ten or more customers;

B. More than one customer, if any portion of the propane gas system is located in a public place; or

C. One customer, if any portion of the propane gas system is located off the customer's premises in a public place.

Sec. 3. 35-A MRSA §102, sub-§9, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

9. Gas plant. "Gas plant" includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of natural gas, whether in a gaseous or liquefied form, for light, heat or power.

Sec. 4. 35-A MRSA §4702, as repealed and replaced by PL 1999, c. 718, §15, is amended by adding at the end a new paragraph to read:

Propane gas systems regulated pursuant to Title 32, section 18123, subsection 4 are not subject to the jurisdiction of the commission.

SUMMARY

This bill removes jurisdiction over propane gas systems from the Public Utilities Commission and gives to the Maine Fuel Board jurisdiction over the safety of propane gas systems that serve:

1. Ten or more customers;
2. More than one customer if any portion of the central tank system or petroleum gas system is located in a public place; or
3. One customer if a portion of the central tank system or petroleum gas system is located off the customer's premises in a public place.