



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 328

H.P. 261

House of Representatives, February 7, 2011

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

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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 "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative FITTS of Pittsfield.  
Cosponsored by Senator RECTOR of Knox and  
Representatives: CRAY of Palmyra, HAMPER of Oxford, Senators: SAVIELLO of Franklin,  
SNOWE-MELLO of Androscoggin, SULLIVAN of York.

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

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

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

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

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

21 A. Ten or more customers;

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

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

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

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

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

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

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## 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.