

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIFTEEN

H.P. 775 - L.D. 1124

An Act To Manage Risks Associated with the Installation of Natural Gas Pipelines

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

Sec. 1. 35-A MRSA §2503, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

1. Application. The application must be in writing and describe the facilities, the requested location, evidence of notice provided to owners of facilities in the applicable public way, the minimum depth if an underground facility, the minimum height of any attached wires or cables, if ~~above-ground~~ aboveground facilities, all in the manner and form ~~which~~ that the licensing authority requires.

Sec. 2. 35-A MRSA §2503, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

3. Objection. Objection to the application may be filed according to this subsection.

A. Any person owning property ~~which~~ that abuts the applicable public way or any owner of facilities in the applicable public way may file a written objection with the appropriate licensing authority within 14 days after publication by the applicant. The written objection ~~shall~~ must state the reason for the objection. The written objection must be served by delivery in hand or by registered or certified mail.

B. If the applicant proceeds without publication of the application, any person owning property ~~which~~ that abuts the applicable public way or any owner of facilities in the applicable public way may file a written objection with the appropriate licensing authority within 90 days after installation of the facility described in the application. The written objection ~~shall~~ must state the cause for the objection. The written objection must be served by delivery in hand or by registered or certified mail.

Sec. 3. 35-A MRSA §2503, sub-§21, as enacted by PL 1999, c. 753, §12, is repealed and the following enacted in its place:

21. Default standards. This subsection governs standards applied by local licensing authorities.

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Local licensing authority" means municipal officers or their designees or county commissioners.

(2) "Underground location standards" means standards governing the location and depth of and distance between utility facilities, including the underground portion of aboveground facilities such as utility pole bases.

B. For all state and state-aid highways within compact areas of urban compact municipalities as defined in Title 23, section 754, rules adopted by the Department of Transportation under subsection 16 serve as the minimum standard.

C. Except within areas identified in paragraph B, a local licensing authority may adopt underground location standards for utility facilities within its jurisdiction as designated in section 2502, subsection 1, paragraph A or B. If a local licensing authority has not adopted underground location standards for utility facilities, the underground location standards adopted by the Department of Transportation under subsection 16 govern.

D. A local licensing authority that has not adopted underground location standards for utility facilities in accordance with paragraph C may grant exceptions to the underground location standards adopted by the Department of Transportation under subsection 16 if the licensing authority finds one of the following:

(1) Application of the underground location standards would present an exceptional hardship or unreasonable cost under the circumstances and alternative standards will adequately ensure public safety;

(2) All affected parties, as determined by the local licensing authority, have agreed to alternative underground location standards that will adequately ensure public safety;

(3) A unique situation exists that requires an adjustment of the standards in a manner that ensures public safety; or

(4) The underground location standards exceed the limits of the available space within the right-of-way.

E. The owners of a new, planned underground utility facility shall coordinate directly with owners of existing underground utility facilities in the public way during the design phase of the new, planned facility. Both the new and existing facility owners shall make reasonable accommodation for each other's facilities in accordance with applicable underground location standards to allow ease of access to and maintenance of those facilities and adequately ensure public safety.