



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

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**Testimony of the Maine Public Utilities Commission
In Support of**

**LD 2245, An Act to Clarify the Definition of "Underground Facility" and
Reduce Administrative Burdens Under the So-called Dig Safe Law**

March 6, 2024

Senator Lawrence, Representative Zeigler, and Distinguished Members of the Joint Standing Committee on Energy, Utilities, and Technology (Committee), my name is Deirdre Schneider, testifying in support of LD 2245, An Act to Clarify the Definition of "Underground Facility" and Reduce Administrative Burdens Under the So-called Dig Safe Law on behalf of the Public Utilities Commission (Commission).

LD 2245 incorporates the four recommendations suggested in a report provided by the Commission to this Committee pursuant to Resolves 2023, chapter 47. Over the course of several meetings the Commission engaged with stakeholders on the treatment of liquefied propane gas (LPG) under the so-called Dig Safe law and Commission Rule, Chapter 895: Underground Facility Damage Prevention Requirements. The bill does the following:

1. It clarifies the definition of "underground facility" as it relates to LPG by clearly stating that an underground facility includes any item of personal property buried or placed below ground for use in connection with the storage or conveyance of LPG;
2. It exempts from the definition of "underground facility" LPG distribution systems that have underground pipes located on a residential lot, if that system is connected to no more than one structure, the structure contains no more than two dwelling units, and the propane tank is located 25 feet or less from the structure;
3. It provides that the owner or operator of any underground facility furnishing liquefied propane gas is considered an underground facility operator; and
4. It requires the Commission to initiate a rulemaking to amend the Commission's Rule, Chapter 895: Underground Facility Damage Prevention Requirements to reduce the number of Dig Safe tickets issued to operators and owners of underground facilities and specifies that rules adopted for these purposes are routine technical instead of major substantive.

The Commission believes that LD 2245 represents a narrowly tailored solution that could greatly reduce the administrative burdens associated with participation in the Dig Safe system without compromising safety. It also provides an important clarification to definitions in existing law regarding the treatment of LPG.

I would be happy to answer any questions or provide additional information for the work session.