

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 619

H. P. 501

House of Representatives, February 23, 1977

On motion of Mr. Kelleher of Bangor, referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Greenlaw of Stonington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Limit the Liability for Damage to Underwater Lines.

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

Sec. 1. 12 MRSA § 3406 is enacted to read:

§ 3406. Liability for damage to underwater lines

The liability for damage to underwater lines of any public utility shall be as established by Title 35, section 2494.

Sec. 2. 35 MRSA § 2494 is enacted to read:

§ 2494. Liability for damage to underwater lines

1. Recovery for damage. Every corporation, organized under chapters 171 to 179, may sue for and recover damages from any person who damages underwater lines of that corporation, provided the location of the underwater line appears on U. S. Coast and Geodetic Sea Charts, or the location has been published in the U. S. Coast Guard's "Local Notice to Mariners" and at least one newspaper of general circulation in the area during the month prior to the damage.

2. Amount of damages. The amount of damages recoverable in a suit under this section shall not exceed the actual costs incurred in repairing or replacing the damaged line, together with attorney's fees and court costs, unless the damage is intentional or results from willful and wanton misconduct, in which case punitive damages may also be awarded.

STATEMENT OF FACT

The purpose of this bill is to require adequate notice of the presence of utility lines before damages can be recovered for their injuring or breakage, and to limit the recoverable award to repair or replacement costs except under unusual circumstances.