

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 797

H.P. 546

House of Representatives, March 10, 2015

An Act To Ensure Reliable Power Supply to Homes and Businesses

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WARD of Dedham.
Cosponsored by Senator HILL of York and
Representatives: BEAVERS of South Berwick, BUCKLAND of Farmington, DUNPHY of
Embden, GROHMAN of Biddeford, HIGGINS of Dover-Foxcroft, O'CONNOR of Berwick,
WADSWORTH of Hiram, Senator: CUSHING of Penobscot.

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

2 **Sec. 1. 35-A MRSA §2522**, as amended by PL 2011, c. 623, Pt. B, §12, is further
3 amended to read:

4 **§2522. Maintenance of utility facilities**

5 Notwithstanding any other provision of law, a transmission and distribution utility or
6 entity authorized under section 2301 to construct lines ~~may~~ shall trim, cut or remove by
7 cutting trees located within the public right-of-way of a public way and ~~may~~ shall trim or
8 cut portions of trees encroaching upon the public right-of-way ~~when necessary~~ on either
9 side of a line to a minimum of 20 feet from the line or to the edge of the public right-of-
10 way, whichever is less. A transmission and distribution utility or entity authorized under
11 section 2301 to construct lines shall ensure that every 5 years all areas along its lines are
12 trimmed to ensure safe and reliable service ~~if~~ in accordance with the following:

13 **1. Notice to applicable licensing authority.** Notice is must be provided by the
14 utility or entity to the applicable licensing authority, as defined in section 2502, at least
15 30 days before the trimming, cutting or removal of trees;

16 **2. Consultation with applicable licensing authority.** Upon request of the
17 applicable licensing authority, the utility or entity ~~consults~~ shall consult with the
18 applicable licensing authority before the trimming, cutting or removal of trees. Notice
19 must be sent to each municipality in which trimming, cutting or removal of trees is to be
20 conducted and the utility or entity shall consult with the applicable municipal licensing
21 authority or, if none, the municipal officers before commencing operations. The
22 municipal licensing authority or, if none, the municipal officers may elect to hold a public
23 hearing on the utility's or entity's proposal and, if so, the utility or entity may not
24 commence operations until after the public hearing has been held;

25 **3. Public notice.** Public notice is must be placed in at least 2 newspapers with
26 circulation in the area where trimming, cutting or removal of trees is scheduled to occur
27 at least 30 days before the trimming, cutting or removal of those trees. The notice must
28 state that customers may request to be placed on the list, required under subsection 4, of
29 persons who have requested to be personally consulted before the trimming, cutting or
30 removal of trees;

31 **4. Customer notice list.** Before the trimming, cutting or removal of trees, the utility
32 or entity ~~confers~~ shall confer with any person who requests personal consultation
33 concerning the trimming, cutting or removal of trees on property in which the person has
34 a legal interest. The utility or entity shall keep a list of persons who have requested
35 personal consultation under this subsection. The utility or entity shall notify annually, in
36 the form of a bill insert, all of the utility's or entity's customers of the opportunity to be on
37 the list required under this subsection; and

38 **5. Shade and ornamental trees.** Before removing a shade or ornamental tree, the
39 utility or entity ~~consults~~ shall consult with the owner of the land upon which the tree is
40 located. For purposes of this subsection, "owner" includes a person who owns the
41 underlying fee interest in land encumbered with a public easement.

