

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1178

H. P. 881

House of Representatives, February 11, 1965

Referred to Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Lund of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Relating to Cost of Relocating Water Utility Facilities in Federal Aid Highways.

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

Sec. 1. R. S., T. 23, § 256, additional. Title 23 of the Revised Statutes is amended by adding a new section 256, to read as follows:

‘§ 256. Payment for cost of relocating water utility facilities in federal aid highways

Any water utility which is required to move or relocate its facilities from or in any way because of construction needs in building or reconstructing highways with federal aid pursuant to Title 23, United States Code, on projects for which contracts are signed after the effective date hereof shall be reimbursed for the cost of relocation of such facilities as said cost is defined under said federal statute to the extent of the provisions of this section. The State Highway Commission may make rules and regulations for the determination of such cost in conformity with applicable federal rules and regulations. The commission shall have such rights to inspect the books of account of the utility as may be required in determining the reimbursable costs provided in this section.

The reimbursable costs provided in this section shall be paid from the General Fund Operating Capital under the direction of the State Highway Commission and said General Fund Operating Capital shall be repaid in full for any costs so paid from reimbursements received by the State Highway Commission from the Federal Government on account thereof. At no time during the biennium ending June 30, 1967 and thereafter shall the amount paid from the General Fund Operating Capital for the purposes of this section exceed the amount

of the 50% federal funds to be available for projects under Title 23, United States Code, to match the state appropriations made for the pertinent bienniums. Any appropriation so made, which shall be expended under the direction of the State Highway Commission, shall apply to projects for which contracts are signed prior to June 30th of the 2nd year of the biennium and to the extent of such contracts shall be carried forward and not lapse.

The utility shall notify the State Highway Commission of its intent to claim reimbursement under this section within 2 weeks from the date on which preliminary construction plans for the highway project are mailed to the utility, and shall promptly submit to the State Highway Commission all required supporting data. The State Highway Commission may notify the utility in writing, not less than 30 days in advance, of a date on which the supporting data shall be submitted in acceptable form in compliance with the applicable regulations. A utility which fails to comply with the foregoing, except for reasons beyond its control, shall forfeit its right to reimbursement. The State Highway Commission may waive the forfeit in any specific case in which the proposed highway project is not actually delayed.

The reimbursement to a water utility shall only apply to the costs of relocation of such facilities of a water utility in a year which exceeds 10% of the gross revenues of such water utility for the previous calendar year.'

Sec. 2. Appropriation. There is appropriated from the General Fund, to be expended under the direction of the State Highway Commission, for the purposes of this Act, the sum of \$30,000 for the fiscal year ending June 30, 1966 and the sum of \$30,000 for the fiscal year ending June 30, 1967. Any unexpended balance on June 30, 1966 shall not lapse, but shall carry forward into the next fiscal year for the same purposes. All unexpended balances on June 30, 1967 shall lapse into the Unappropriated Surplus of the General Fund.