

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-340)

COMMITTEE AMENDMENT "A" to H.P. 719, L.D. 854, Bill, "AN ACT to Regulate the Placing by Nonutilities of Electric Utility Facilities within Public Ways."

Amend the Bill by inserting after the enacting clause the following:

2nd ¶,
'Sec. 1. 23 MRSA §3026,/as enacted by PL 1975, c. 711, §8, is amended by inserting at the end the following new sentence to read:

For purposes of this section, the words "public easement" shall include, without limitation, an easement for public utility facilities necessary to provide service.'

Further amend the Bill by inserting at the beginning of the first line after the enacting clause the following: 'Sec. 2'

Further amend the Bill by inserting at the end before the statement of fact the following:

'Sec. 3. 35 MRSA §2347-A, as enacted by PL 1965, c. 270, §2, is amended to read:

§2347-A. Discontinuance of public ways

In proceedings for the discontinuance of public ways, such public ways may be discontinued in whole or in part. The dis-

continuance of a town way shall be ~~presumed-to-relegate-the town-way-to-the-status-of-a-private-way-unless-the-town-meeting article-shall-specifically-state-otherwise~~ pursuant to the provisions of Title 23, section 3026. Unless an order discontinuing the same shall specifically otherwise provide, the public easement provided for in Title 23, section 3026 shall include an easement for public utility facilities, and a utility may continue to maintain, repair and replace its installations within the limits of such way for-a-period-not exceeding-3-years-from-the-date-of-discontinuance or may thereafter construct and maintain new facilities within the limits of the discontinued way, if being used for travel by motor vehicles, in order to provide utility service, upon compliance with the provisions of sections 2483 through 2486.'

Statement of Fact

The law on discontinuance of town ways was revised by the 107th Legislature (PL 1975, chapter 711, section 8), and the portion of the public utilities law referring to discontinuance should be modified accordingly. This amendment will include within the definition of the public easement that remains in the discontinued way the right to locate and maintain public utility facilities in order to provide service, unless the order discontinuing the way provides otherwise. The utility must obtain the

necessary location permits as provided for in Title 35, chapter 179 and be responsible to a landowner for any damages incurred.

Reported by the Committee on Public Utilities.

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5/17/77

(Filing No. H-340)