

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 854

H. P. 719 House of Representatives, March 9, 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. Burns of Anson.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Regulate the Placing by Nonutilities of Electric Utility
Facilities within Public Ways.**

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

35 MRSA § 2344 is amended by adding at the end the following new paragraph and subsections:

No person, firm, company or association except a public utility engaged in the business of the transmission or distribution of electricity shall construct and maintain its lines with poles or other structures carrying electricity in, upon, along or under the roads, streets and public ways of any city or town unless, in addition to meeting the requirements of section 2483, the applicable licensing authority finds that:

1. **Compliance; National Electric Safety Code.** Construction and maintenance of the line will comply with all applicable provisions of the National Electric Safety Code and the standard requirements of the utility from whom the owner proposes to take service;

2. **Posting surety bonds.** The applicant has posted with the licensing authority a surety bond in an amount sufficient to:

A. **Protect the public from claims, demands and actions arising out of improper construction or maintenance of the line and unsafe conditions thereon; and**

B. **Insure that the owner of the line, and his successors and assigns, will continue to properly maintain and repair the line and protect the public from harm.**

3. Duplication. The Maine Public Utilities Commission has found that the line will not constitute a duplication of electric facilities.

STATEMENT OF FACT

This bill would give municipal authorities certain additional standards to apply to applications from nonutilities to place electric facilities within public ways. The transmission and distribution of electricity can create serious hazards for the public if not properly performed, and the purpose of this bill is to give the applicable licensing authority the right to make sure the public's interests will be protected.