

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1965

H. P. 1904

Office of the Clerk of the House

The Committee on Public Utilities suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 24.

EDWIN H. PERT, Clerk

Presented by Mr. Kelleher of Bangor

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

**AN ACT to Provide for the Payment of Costs for Relocating Utility Facilities in an Urban
Renewal Area.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, utilities are currently being required to absorb the costs of placing their facilities underground in urban renewal areas, which costs must be borne by all customers of the utility; and

Whereas, federal funds are available for the payment of these relocation costs; and

Whereas, the availability of the federal funds would prevent the undue hardship of relocation costs being imposed on utility customers in this State, especially those who derive no benefit from the urban renewal areas; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

30 MRSA § 4820 is enacted to read:

§ 4820. **Payment of costs of relocating utility facilities underground in an urban renewal area**

Any utility, that after the effective date of this section, is required to move or relocate its facilities from or in any traveled way because of the requirements of an urban renewal plan

approved pursuant to section 4806 shall not be required to install the relocated or any new facilities underground at its own expense, but shall be reimbursed for the costs of placing its facilities underground, the costs not to exceed the cost of underground installation less, where applicable, the estimated costs of providing the same service with the same capacity through an overhead system.

“Utility” as used in this section shall mean and include any public utility under the jurisdiction of the Public Utilities Commission and any corporation which owns and operates a telephone or telegraph system or an oil pipeline system, and which is subject to the jurisdiction of the Federal Communications Commission or Interstate Commerce Commission and any municipality or any quasi-municipal body operating a utility service such as a fire or police alarm line, street lighting, sewerage or water pipes and any rural electrification cooperative which is subject to Title 35, chapters 221 to 227.

The utility shall itemize for the authority the components of its relocation costs and, where applicable, the estimated costs of providing the same service with the same capacity through an overhead system. The difference in costs, if any, between the underground and the estimated overhead construction, shall qualify for reimbursement to the authority from the Federal Government to the fullest extent allowed by law.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

This bill will allow an urban renewal authority to obtain funds from the Federal Government for the undergrounding of utility facilities on traveled ways in an urban renewal project area. These funds will allow the utility, including any municipality or quasi-municipality operating a utility service, to be reimbursed from these funds for its relocation costs, so that all the customers of the utility, especially those situated at a distance from the area, will not be required to pay for the local improvement. Reimbursement for utilities with overhead systems will be limited to the costs of the underground installation less the amount the utility would have been required to pay for constructing the same system overhead. This concept is similar to that provided for reimbursement of relocation costs on the interstate highway system, Title 23, section 255.