

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1080

S.P. 414

In Senate, April 6, 1989

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TWITCHELL of Oxford.

Cosponsored by Representative WALKER of Norway and Representative JACKSON of Harrison.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Reimburse Public Utilities for the Costs of Relocating Above-ground Facilities as a Result of State Highway Construction.



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

3 23 MRSA §256 is enacted to read:

5 §256. Payment for cost of relocating above-ground utility
7 facilities as a result of state highway construction

9 Any utility which is required to move or relocate its
11 above-ground facilities under this section because of
13 construction needs in building, relocating, widening or otherwise
15 performing work on, or with respect to, any state highway shall
17 be reimbursed for the cost of relocation of the facilities. The
19 department may make rules for the determination of the cost
21 consistent with section 255. The department shall have such
23 rights to inspect the utility's account books as may be required
25 to determine the reimbursable costs provided in this section.

27 If the department determines that any utility facility which
29 now is located in, over or along any way should be moved or
31 relocated because of construction needs in relocating, widening
33 or otherwise performing work on, or with respect to, a state
35 highway, the utility owning or operating the facility shall
37 relocate or move the facility in accordance with an order of the
39 department. If the failure of the utility to move the facility
41 within a reasonable time specified in the order delays the work
43 of the contract involved, the utility shall be liable to the
45 State for the damages that the State may be required to allow the
47 contractor under the contract between the State and the
49 contractor for delay in the work caused by the presence of the
51 facility. The utility shall not be liable for the damages if its
failure to move is for reasons beyond its control. If the
department and the utility do not agree as to the liability of
the utility for the damages, either party may appeal to the
Superior Court for a determination of liability. The liability
shall not exceed such reimbursable costs as may be determined by
this section.

"Utility" as used in this section means any public utility
under the jurisdiction of the Public Utilities Commission or the
Federal Communications Commission and any municipality or any
quasi-municipal body operating a utility service, such as a fire
or police alarm line or street lighting.

The reimbursable costs provided in this section shall be
paid from the Highway Fund operating capital under the direction
of the department and the Highway Fund operating capital may be
repaid in full for any costs paid from any reimbursements
received by the department from the Federal Government.

