

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1458, L.D. 2070, Bill, "An Act to Ensure the Retention of Utility Lines Crossing Railroad Property"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 35-A MRSA §2311, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**§2311. Lines along railroads; application to Public Utilities Commission when disagreement**

A person maintaining or operating a telephone or electric line may construct a line upon or along any railroad with the written permit of the person operating the railroad. If the person seeking to construct the line cannot agree with the parties operating the railroad, as to constructing lines along the railroad or as to the manner in which lines may be constructed upon, along or across the railroad, either party may apply to the commission, who, after notice to those interested, shall hear and determine the matter and make their award, which shall--be is binding upon the parties. The person seeking to construct lines on the railroad shall pay the expenses of the hearing, except that if the commission finds that parties operating the railroad have unreasonably refused their consent, those parties shall pay the expenses. Without limiting the commission's jurisdiction under this section, if a railroad company and a telephone or electric utility enter into an agreement involving a utility crossing of railroad property and that agreement or some other agreement provides that the commission shall resolve disputes arising under the original agreement, the commission may resolve those disputes.

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**FISCAL NOTE**

The Public Utilities Commission will incur some minor additional administrative costs to resolve disputes between railroad companies and telephone or electric utilities. These costs can be absorbed within the commission's existing budgeted resources.'

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**STATEMENT OF FACT**

This amendment strikes the provisions of the bill and replaces them with provisions that provide explicit jurisdiction for the Public Utilities Commission to resolve disputes arising out of agreements between railroad companies and telephone or electric utilities if the parties have agreed that the commission shall resolve those disputes.

Reported by the Committee on Utilities  
Reproduced and distributed under the direction of the Clerk of the House  
3/4/92 (Filing No. H-1036)