

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2082

H.P. 1470

House of Representatives, January 7, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CLARK of Millinocket.
Cosponsored by Senator CARPENTER of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act Pertaining to Pole Attachment Rate Disputes.



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

2
4 **Sec. 1. 35-A MRSA §711**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

6 **§711. Joint use of equipment**

8 **1. Joint use permitted.** The commission may order that
10 joint use be permitted and prescribe reasonable compensation and
12 reasonable terms and conditions for the joint use when, after a
14 hearing had upon its own motion or upon complaint of a public
16 utility ~~or cable television system~~ affected, it finds the
18 following:

20 A. That public convenience and necessity require the use by
22 one public utility ~~or cable television system~~ of the
24 conduits, subways, wires, poles, pipes or other equipment,
26 or any part of them, on, over or under any street or highway
28 and belonging to another public utility ~~or cable television~~
30 ~~system~~;

32 B. That joint use will not result in irreparable injury to
34 the owner or other users of the conduits, subways, wires,
36 poles, pipes or other equipment or in any substantial
38 detriment to the service; and

40 C. That the public utilities ~~or cable television system~~
42 have failed to agree upon the use or the terms and
44 conditions or compensation for the use.

46 **2. Liability of user.** If joint use is ordered, the public
48 utility ~~or cable television system~~ to whom the use is permitted
50 shall be is liable to the owner or other users of the conduits,
subways, wires, poles, pipes or other equipment for damage that
may result from its use to the property of the owner or other
users.

~~3. Interests of cable television subscribers. Any actions
taken or orders issued by the commission under this section shall
take into account the interests of the subscribers of the
affected cable television system, as well as the customers of the
affected public utilities.~~

44 **Sec. 2. 35-A MRSA §2518, sub-§1**, as enacted by PL 1987, c.
46 141, Pt. A, §6, is amended to read:

48 **1. Municipality may order joint use of poles.** Subject to
50 the provisions of sections section 711 and 8302, the municipal
officers may, after notice and hearing, order any wires used for
conveying electric current or the transmission of telephone or

2 telegraph messages and attached to poles located in a public
3 street or way of the municipality to be removed and attached to
4 other poles, however owned and controlled, legally located in the
5 public streets or ways, as the municipal officers may designate,
6 provided in their judgment the change is practicable and can be
7 made without unreasonably interfering with the business of any
8 person. The municipal officers may establish such regulations as
they determine necessary for the joint use of the poles.

10 **Sec. 3. 35-A MRSA §8302**, as enacted by PL 1987, c. 141, Pt.
11 A, §6, is repealed.

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13
14 **STATEMENT OF FACT**

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16 This bill transfers the jurisdiction for settling pole
17 attachment rate disputes from the Public Utilities Commission to
18 the Federal Communications Commission.