

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44

STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT " A " to H.P. 1726, L.D. 2417, Bill, "An Act to Amend the Laws Governing Construction of Utility Lines"

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

Sec. 1. 35-A MRSA §2305, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

2. Posting surety bonds. The applicant has posted with the licensing authority a surety bond in accordance with terms and conditions established by the licensing authority 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 on the line; and

~~B. Ensure 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; and~~

Sec. 2. 35-A MRSA §2305, as enacted by PL 1987, c. 141, Pt. A, §6, is amended by adding before the last paragraph 2 new paragraphs to read:

A utility that enters into any written agreement with the owner of a line with regard to that line shall record that agreement in the registry of deeds in the county in which the line is placed.

R. W. S.

2 The owner of a line is responsible for properly maintaining
 3 the line. If the owner of a line fails to maintain a line
 4 properly and a municipality incurs any expense in maintaining the
 5 line or pays any damages as a result of the owner's failure to
 6 maintain the line properly, the municipality may assess the owner
 7 of the line the amount of those actual costs. The assessment
 8 must be in writing and must specify the amount of the assessment,
 9 the basis for the assessment and that a lien will be created on
 10 the real estate of the owner of the line if the assessment is not
 11 paid within 90 days. If the owner of the line does not pay the
 12 assessment within 90 days, a lien is created on the real estate
 13 of the owner of the line situated in the municipality to secure
 14 the payment of actual costs incurred by the municipality. This
 15 lien may be treated and enforced in the same manner as a tax lien
 16 under Title 36, chapter 105, subchapter IX, article 2. In
 17 addition to any other available remedies, a person aggrieved by a
 18 lien imposed or enforced by a municipality under this section may
 19 bring an action in Superior Court for a determination of the
 20 validity of the lien.

21 **Sec. 3. Local impact.** Notwithstanding the Maine Revised
 22 Statutes, Title 30-A, section 5684, additional costs, if any,
 23 imposed on any municipality by the provisions of this Act are not
 24 funded by the State.'

25 Further amend the bill by inserting at the end before the
 26 statement of fact the following:

27
 28 **FISCAL NOTE**

29 The additional workload and administrative costs associated
 30 with the minimal number of new cases filed in the court system
 31 can be absorbed within the budgeted resources of the Judicial
 32 Department.'

33
 34
 35
 36
 37 **STATEMENT OF FACT**

38 This amendment replaces the bill. Under the amendment, no
 39 person except an electric utility may construct electric lines
 40 along roads, streets and public ways maintained by any
 41 municipality unless the municipal officers find that the
 42 applicant has posted with the licensing authority a surety bond
 43 in accordance with terms and conditions established by the
 44 licensing authority in an amount sufficient to protect the public
 45 from claims, demands and actions arising out of improper
 46 construction.
 47
 48

R. of S.

SENATE AMENDMENT "A " to H.P. 1726, L.D. 2417

2 The amendment provides that, if a utility enters into any
written agreement with the owner of an electric line with regard
to that line, the utility must record that agreement in the
4 registry of deeds in the county in which the line is placed.

6 The amendment provides that the owner of the line is
responsible for properly maintaining the line. If the owner
8 fails to maintain the line properly and a municipality incurs any
expense in maintaining the line or pays any damages as a result
10 of the owner's failure to maintain the line properly, the
municipality may assess those costs to the owner. If the owner
12 of the line fails to pay the assessment, the municipality has a
lien on the owner's property for actual costs incurred by the
14 municipality. This lien may be treated and enforced in the same
manner as a tax lien under the Maine Revised Statutes, Title 36,
16 chapter 105, subchapter IX, article 2. Any person aggrieved by
any lien imposed or enforced by a municipality under these
18 provisions has a right of action in Superior Court.

20 The amendment provides that the provisions of the bill do
not constitute a municipal mandate under the municipal mandate
22 laws.

24 The amendment also adds a fiscal note to the bill.

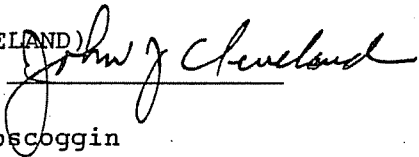
26

28

(Senator CLEVELAND)

30

SPONSORED BY:



32

COUNTY: Androscoggin

34

Reproduced and Distributed Pursuant to Senate Rule 12.
(3/23/92) (Filing No. S-668)

SENATE AMENDMENT