

MAINE STATE LEGISLATURE

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L.D. 133

(Filing No. S-27)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 71, L.D. 133, Bill, "An Act Related to Private Facilities in the Public Way"

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 §2305, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

3. Duplication of or interference with electric facilities. The commission has found that the line will--not constitute neither constitutes a duplication of electric facilities nor interferes physically with the adequate and safe delivery of electricity to others. A commission finding is not required under this subsection if the only nonutility facility in the public way is a facility providing service from the person's abutting property or abutting easement to a utility facility in the public way and that utility facility is within 30 feet of the person's property line or easement.

Sec. 2. 35-A MRSA §2305, as amended by PL 1991, c. 834, §§1 and 2, is further amended by adding at the end a new paragraph to read:

An electric utility may not provide electricity for any line in, upon, along or under roads, streets and public ways maintained by a municipality if the lines or poles were constructed by a person other than an electric utility, unless the electric utility is provided with certified copies of the findings by the applicable licensing authority of compliance with subsections 1 and 2 and the commission's findings pursuant to subsection 3.'

COMMITTEE AMENDMENT

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FISCAL NOTE

The Public Utilities Commission will incur some minor additional administrative costs to fulfill its new oversight responsibilities. These costs can be absorbed within the commission's existing budgeted resources.

STATEMENT OF FACT

This amendment replaces the bill.

Under this amendment, nonutilities that wish to construct and maintain facilities in public ways maintained by municipalities must, in addition to satisfying all existing requirements, obtain approval from the Public Utilities Commission certifying that the facility will not interfere with utility service to other customers. There is an exception from commission approval for facilities that run only a very short distance, 30 feet, beyond the nonutility's property line.

This amendment also provides that an electric utility may not electrify any line not constructed by an electric utility unless the electric utility obtains certification that the requirements of the Maine Revised Statutes, Title 35-A, section 2305 have been met.

This amendment adds a fiscal note.

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