

MAINE STATE LEGISLATURE

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90
R. of S.

L.D. 1041

(Filing No. S-250)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 346, L.D. 1041, Bill, "An Act to Expedite Maintenance of Utility Facilities"

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 §2522 is enacted to read:

§2522. Maintenance of utility facilities

Notwithstanding any other provision of law, an electric utility or telephone utility may trim, cut or remove by cutting trees located within the public right-of-way of a public way and may trim or cut portions of trees encroaching upon the public right-of-way when necessary to ensure safe and reliable service if:

1. Notice to applicable licensing authority. Notice is provided by the utility to the applicable licensing authority, as defined in section 2502, at least 30 days before the trimming, cutting or removal of trees;

2. Consultation with applicable licensing authority. Upon request of the applicable licensing authority, the utility consults with the applicable licensing authority before the trimming, cutting or removal of trees;

3. Public notice. Public notice is placed in at least 2 newspapers with circulation in the area where trimming, cutting or removal of trees is scheduled to occur at least 30 days before the trimming, cutting or removal of those trees. The notice must

COMMITTEE AMENDMENT

2 state that customers may request to be placed on the list,
3 required under subsection 4, of persons who have requested to be
4 personally consulted before the trimming, cutting or removal of
5 trees;

6 4. Customer notice list. Before the trimming, cutting or
7 removal of trees, the utility confers with any person who
8 requests personal consultation concerning the trimming, cutting
9 or removal of trees on property in which the person has a legal
10 interest. The utility shall keep a list of persons who have
11 requested personal consultation under this subsection. The
12 utility shall notify annually, in the form of a bill insert, all
13 of the utility's customers of the opportunity to be on the list
14 required under this subsection; and

15 5. Shade and ornamental trees. Before removing a shade or
16 ornamental tree, the utility consults with the owner of the land
17 upon which the tree is located. For purposes of this subsection,
18 "owner" includes a person who owns the underlying fee interest in
19 land encumbered with a public easement.

20 This section does not apply to trimming, cutting or removal of
21 trees undertaken in emergency situations.'

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26 **STATEMENT OF FACT**

27 This amendment, which is the majority report of the Joint
28 Standing Committee on Utilities, replaces the bill. This
29 amendment allows electric and telephone utilities to trim, cut or
30 remove trees or portions of trees that are in the public way
31 provided that notice has been given to the governmental entity
32 with jurisdiction over the public way, to the public, through
33 newspaper notice, and to persons who have requested personal
34 consultation with the utility prior to the cutting, trimming or
35 removing of trees.
36

Reported by the Majority for the Committee on Utilities.
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