

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1041

S.P. 346

In Senate, March 29, 1993

An Act to Expedite Maintenance of Utility Facilities.

Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator VOSE of Washington.
Cosponsored by Representatives: DONNELLY of Presque Isle, MORRISON of Bangor,
TAYLOR of Cumberland.

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

2
3 **Sec. 1. 30-A MRSA §3283, sub-§1**, as amended by PL 1989, c.
4 104, Pt. C, §§8 and 10, is further amended to read:

6 **1. Trimming, cutting or removal authorized.** This section
7 does not prevent the trimming, cutting or removal of trees when
8 the trimming, cutting or removal is ordered by proper authority
9 or required by a public utility to:

10 A. Lay out, alter or widen the location of highways;

12 B. Lessen the danger of travel on highways; ~~or~~

14 C. Suppress tree pests or insects; or

16 D. Ensure the safe and reliable transmission of electricity
18 through the electric utility facilities located within or
19 upon the limits of any highway or other public way when
20 prior written notice is provided to the appropriate
21 municipality.

22 **Sec. 2. 35-A MRSA §2503, sub-§6**, as enacted by PL 1987, c.
24 141, Pt. A, §6, is amended to read:

26 **6. Liability.** Installation and maintenance of the facility
27 and its appurtenances in accordance with the terms of the permit
28 and the provisions of chapter 23 and this chapter relieve the
29 applicant of liability to others by reason of location of its
30 facility and appurtenances and ~~no a person has any~~ does not have
31 a right of recovery under Title 23, section 3655, because of the
32 location, installation and maintenance and the applicant will-be
33 is liable only for acts of negligence in the installation or
34 maintenance of the facility and its appurtenances. The applicant
35 is not liable for the prudent cutting, removal or trimming of
36 trees in accordance with standards set by the applicant for the
37 long-term maintenance of the facilities.

38 **Sec. 3. 35-A MRSA §2514, sub-§2**, as enacted by PL 1987, c.
40 141, Pt. A, §6, is amended to read:

42 **2. Trees.** ~~Ne~~ A person, in connection with any of the
43 activities specified in subsection 1, may not injure, cut down or
44 destroy any a fruit tree or any a tree or shrub standing and
45 growing for the purposes of shade or ornament unless prior
46 written notice is provided to the applicable licensing authority.

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STATEMENT OF FACT

4 This bill requires an electric utility to notify authorities
6 before conducting tree-trimming operations for the maintenance of
8 its facilities. This would save utility ratepayers the extensive
costs of contacting and gaining permission from individual
landowners for routine tree trimming in public ways.