

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

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Legislative Document

No. 1858

S.P. 678

In Senate, February 10, 1994

**An Act to Streamline the Department of Transportation's Permitting  
Procedure for Aboveground Facilities.**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BRANNIGAN of Cumberland.  
Cosponsored by Senator: GOULD of Waldo, Representatives: O'GARA of Westbrook,  
STROUT of Corinth.

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

4 **Sec. 1. 35-A MRSA §2503, sub-§16, as enacted by PL 1987, c.**  
141, Pt. A, §6, is amended to read:

6 **16. Rules.** The Department of Transportation may adopt  
8 reasonable rules to administer this section. These rules may  
include procedures for application and issue of permits and the  
conduct of hearings.

10 The department may adopt rules authorizing public utilities to  
12 install facilities on or over the surface of public ways for  
14 which the department is the licensing authority. The rules must  
set forth the following:

16 A. General terms and conditions regarding the location of  
18 the facilities; and

20 B. Reasonable requirements determined necessary to protect  
22 public safety and to permit unobstructed public travel along  
the affected public way.

24 Utilities installing facilities in accordance with these rules  
26 are not required to receive a separate written location permit as  
28 required by section 2501, subsection 2. Facilities installed in  
accordance with the rules are legal structures and are deemed  
installed pursuant to a written location permit.

30 **STATEMENT OF FACT**

32 This bill authorizes the Department of Transportation to  
34 adopt rules to allow public utilities to place facilities within  
36 the public way without having to first obtain a written location  
38 permit. The bill also requires that the rules contain specific  
conditions determined necessary to protect the public safety and  
prevent obstruction of the public way.

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44 **This document has not yet been reviewed to determine the**  
46 **need for cross-reference, stylistic and other technical**  
**amendments to conform existing law to current drafting standards.**