

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

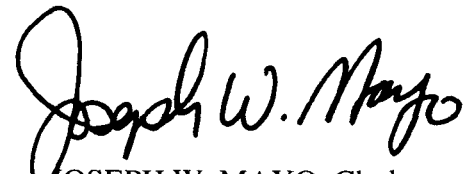
No. 1567

H.P. 1123

House of Representatives, June 12, 1995

An Act to Facilitate Sewer and Water Main Extensions.

Reference to the Committee on Utilities and Energy suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative OTT of York. (GOVERNOR'S BILL)
Cosponsored by Senator: STEVENS of Androscoggin.

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

2
3 **Sec. 1. 35-A MRSA §2501, sub-§2,** as enacted by PL 1987, c.
4 141, Pt. A, §6, is amended to read:

6 **2. Applicability of section 2503.** Except as otherwise
7 provided, no person may construct facilities upon and along
8 highways and public roads, without applying for and obtaining a
9 written location permit from the applicable licensing authority
10 under section 2503. Included within this requirement is every
11 person operating telegraphs or telephones or transmitting
12 television signals by wire; every person that owns, controls,
13 operates or manages any pipeline within or through this State for
14 the transportation as a common carrier for hire of oil, gas,
15 gasoline, petroleum or any other liquids or gases; every water
16 utility and every person making, generating, selling,
17 distributing and supplying gas or electricity; every water
18 utility or sewer company, district or system privately or
19 municipally owned, including, in the discretion of the licensing
20 authority, a privately installed line interconnected with the
21 facilities of a water utility or sewer company, district or
22 system as long as the privately installed line is owned and
23 maintained by the water utility or sewer company, district or
24 system upon completion of construction; every municipally owned
25 or operated fire alarm, police alarm or street lighting circuit
26 or system; every cooperative organized under chapter 35; and any
27 other person engaged in telecommunications or the transmission of
28 heat, or electricity.

30 **Sec. 2. 35-A MRSA §2503, sub-§5,** as enacted by PL 1987, c.
31 141, Pt. A, §6, is amended to read:

32 **5. Permits.** The location permit shall ~~shall~~ must specify the
33 approximate location of the facility and the minimum depth of any
34 pipes or conduits below, or the minimum height of any wires or
35 cables above, the earth's surface. The licensing authority may
36 specify in the permit other requirements determined necessary in
37 the best interests of the public safety and use of the
38 right-of-way so as not to obstruct use for public travel.

39
40 In the case of a privately installed sewer line or water line
41 that is interconnected with the facilities of a sewer company,
42 district or system or a water utility, the licensing authority
43 may, in addition to the requirements imposed pursuant to the
44 provisions of this subsection, specify in the permit terms and
45 conditions regarding the design of the facility, the location of
46 the facility, the excavation and restoration of the highway or
47 public way and any other terms and conditions necessary to
48 protect any other interest identified by the licensing authority
49 and, if the opening permit fee is insufficient to restore the
50 highway or public way, the licensing authority shall require that

2 a bond satisfactory to the licensing authority be furnished.

4 The performance of the work must be in compliance with the
6 licensing authority's standards for highway construction, traffic
8 control and bonding and any other standards or conditions the
10 licensing authority may impose. All of the expenses and
12 administrative costs relating to the work must be paid by the
14 person authorized to perform the work. Notwithstanding any other
16 law, the State or its employees are immune from suit for damages
18 arising from any activities performed in connection with this
20 work.

22 **Sec. 3. 38 MRSA §1252, sub-§7**, as repealed and replaced by PL
24 1993, c. 721, Pt. B, §5 and affected by Pt. H, §1, is repealed
26 and the following enacted in its place:

28 **7. Sewer extensions.** A sewer district, before approving
30 any sewer extension, shall consult with the code enforcement
32 officer of any municipality through which the sewer extension
34 will pass regarding any ordinances regulating land use of the
36 land intended to be served by the sewer extension.

24 STATEMENT OF FACT

26 Current law requires, prior to constructing an extension,
28 that a sewer district obtain assurance from the municipality
30 through which the extension will pass that the extension and the
32 user of the extension are in conformance with the municipality's
34 plans and ordinances. Notice of the proposed extension must be
36 published in a newspaper of general circulation.

This bill repeals those requirements and instead requires
the sewer district to consult with the municipality to determine
compliance. This bill also requires the licensing authority to
obtain a bond from a private installer of a sewer or water line.