

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1505

S.P. 504

In Senate, February 25, 1999

An Act to Require Performance-based Restoration by Public Utilities.

Reference to the Committee on Utilities and Energy 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 O'GARA of Cumberland.
Cosponsored by Representative WHEELER of Eliot and
Senators: CASSIDY of Washington, FERGUSON of Oxford, KONTOS of Cumberland,
PARADIS of Aroostook, Representatives: CAMERON of Rumford, COLLINS of Wells,
JABAR of Waterville, LINDAHL of Northport.

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

Sec. 1. 35-A MRSA §2513, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed and the following enacted in its place:

§2513. Relaying of pavement

When an excavation is made in a paved street, road or highway and the opening is filled as required by sections 2511 and 2512, the public utility may elect to relay the excavated pavement.

Any public utility relaying excavated pavement pursuant to this section shall restore the excavated pavement to a condition at least as good as the excavated area was in prior to the excavation. The public utility shall maintain the excavated area in that condition for the useful life of the street.

If the municipality or village corporation relays the pavement, the cost of relaying the pavement, including materials, labor and inspection, must be paid out of any funds in the special fund for this purpose.

SUMMARY

This bill requires that, if a public utility elects to relay excavated pavement, the public ways must be properly restored and maintained following construction by public utilities. The bill requires the utilities to perform all restoration in a manner that ensures that the repaired area is restored to as good a condition as the area was in before excavation and to maintain the excavated area for the useful life of the street.