

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 524

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H.P. 400

House of Representatives, February 1, 2005

**An Act To Facilitate Reimbursement of Public Utilities Relocation  
Costs**

(EMERGENCY)

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Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND

Clerk

Presented by Representative BOWEN of Rockport.  
Cosponsored by Senator SAVAGE of Knox.

2           **Emergency preamble. Whereas,** acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
6           **Whereas,** federal funds may be lost if this Act is not  
adopted as an emergency; and

8           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
10       Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
12       safety; now, therefore,

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

16               **Sec. 1. 23 MRSA §57-B** is enacted to read:

18       **§57-B. Payment for cost of relocating utility facilities**  
20               **in federal-aid highways**

22               **1. Reimbursements.** The department may reimburse a utility  
24               that is required to move or relocate its facilities as a result  
26               of any highway construction project to the extent such payments  
28               by the department are in turn eligible for reimbursement from  
30               federal funds under 23 United States Code, Section 123. The  
reimbursement may be only for the cost of the relocation as  
defined in 23 United States Code, Section 123. For purposes of  
this section, "utility" has the same meaning as defined in 23  
United States Code, Section 123.

32               The department may inspect the books of account of the utility as  
necessary to determine the reimbursable costs.

34               Payments to utilities made pursuant to this section must be paid  
36               from the General Highway Fund operating capital under the  
38               direction of the department. All reimbursements of such payments  
40               received by the department from the Federal Government pursuant  
42               to 23 United States Code, Section 123 must be deposited in the  
General Highway Fund operating capital. The amount paid in any  
biennium under this section may not exceed federal funds  
available under 23 United States Code, Section 123 to reimburse  
the State in that biennium.

44               **2. Rules.** The department may adopt rules necessary to  
46               implement this section, including, but not limited to, rules  
48               governing the determination of the cost of relocation. The rules  
must be consistent with any applicable federal regulations  
relating to the cost of relocation and with rules adopted  
pursuant to section 255. Rules adopted pursuant to this section

2 are routine technical rules as defined in Title 5, chapter 375,  
3 subchapter 2-A.

4 3. Exception. This section does not apply to any project  
5 for which a utility is reimbursed or eligible for reimbursement  
6 under section 255.

8 **Emergency clause.** In view of the emergency cited in the  
9 preamble, this Act takes effect when approved.  
10

## 12 SUMMARY

14 This bill allows the Department of Transportation to  
15 reimburse a utility for the cost of moving or relocating  
16 facilities as a result of a highway construction project to the  
17 extent such payments by the department are in turn eligible for  
18 reimbursement from federal funds under 23 United States Code,  
19 Section 123. This provision supplements the provisions of the  
20 Maine Revised Statutes, Title 23, section 255, which currently  
21 provides for such reimbursement only in the case of utility  
22 facility relocations within the interstate system.