

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1360

S.P. 474

March 13, 2007

**An Act To Require Owners of Utility Facilities To Accommodate the
Installation of Traffic Control Signals and To Permit the University
of Maine System To Construct Lines on Public Rights-of-way**

(EMERGENCY)

Reference to the Committee on Utilities and Energy 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 DAMON of Hancock.
Cosponsored by Representative CAIN of Orono and Senator: MARTIN of Aroostook,
Representative: TARDY of Newport.

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

3 **Whereas,** it is imperative that this Act take effect immediately so that the University
4 of Maine system may transmit data and communications to its facilities and partnering
5 entities as soon as possible; and

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

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

11 **Sec. 1. 23 MRSA §1351, 2nd ¶,** as amended by PL 1971, c. 593, §22, is further
12 amended to read:

13 The department ~~shall have authority to~~ may install and maintain traffic control
14 signals; and warning, regulatory, directional and informational signs and markings; on all
15 state and state aid highways ~~and~~ highways constructed under its direction with federal
16 funds and town ways, when, in its opinion, ~~such~~ the signs, signals and markings are
17 necessary for public safety and convenience. Owners of utility facilities located within or
18 along a public right-of-way shall reasonably accommodate the attachment to their
19 facilities of traffic control signals and their appurtenances without cost to the public as
20 long as those appurtenances are used solely for the communication between traffic
21 control signals and a system command center and are necessary for the proper operation
22 of traffic control signals and related devices.

23 **Sec. 2. 35-A MRSA §2301,** as amended by PL 1995, c. 225, §8, is further
24 amended to read:

25 **§2301. Telephone utilities and television corporations may construct lines**

26 Except as limited, every corporation organized under section 2101 for the purpose of
27 operating telephones and every corporation organized for the purpose of transmitting
28 television signals by wire may construct, maintain and operate its lines upon and along
29 the route or routes and between the points stated in its certificate of incorporation; and
30 may construct its lines and necessary erections and fixtures for them along, over, under
31 and across any of the roads and streets and across or under any of the waters upon and
32 along the route or routes subject to the conditions and under the restrictions provided in
33 this chapter and chapter 25. The rights, privileges and restrictions provided in this section
34 apply to the University of Maine System for purposes of transmitting data and
35 communications between and among its facilities and partnering entities, wherever
36 located, subject to the conditions and under the restrictions provided in this chapter and
37 chapter 25. For purposes of this section, "partnering entities" means organizations,
38 wherever located, authorized to use the university's regional optical network for education
39 and research institutions, or other university data and communications systems.

