

MAINE STATE LEGISLATURE

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MAJORITY

Date: 4/26/19

(Filing No. S-69)

ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE

SENATE

129TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 366, L.D. 1192, Bill, "An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way"

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 35-A MRSa §2524 is enacted to read:

§2524. Municipal access to poles

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Make-ready work" means the rearrangement or transfer of existing facilities, replacement of a pole, complete removal of any pole replaced or any other changes required to make space available for an additional attachment to a shared-use pole.

B. "Municipality" means a town, city, plantation, county, regional council of governments, quasi-municipal corporation or district as defined in Title 30-A, section 2351, regional municipal utility district established according to Title 30-A, section 2203, subsection 9 or a corporation wholly or partially owned by an entity specified in this paragraph.

C. "Unserved or underserved area" has the same meaning as in section 9202, subsection 5.

2. Access to poles; make-ready requirements. Notwithstanding any provision of law to the contrary, for the purpose of safeguarding access to infrastructure essential to public health, safety and welfare, an owner of a shared-use pole and each entity attaching to that pole is responsible for that owner's or entity's own expenses for make-ready work to accommodate a municipality's attaching its facilities to that shared-use pole:

A. For a governmental purpose consistent with the police power of the municipality; or

COMMITTEE AMENDMENT



129th MAINE LEGISLATURE

LD 1192

LR 1131(02)

An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-69)

Committee: Energy, Utilities and Technology

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional cost to the Public Utilities Commission as a result of changes to the rules regarding the municipal exemption from "make-ready work" fees charged by the owner of a shared-use pole for attachment to, or modifications of the arrangement of utilities on, a shared-use pole are anticipated to be minor and can be absorbed within existing budget resources.