

# MAINE STATE LEGISLATURE

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Date: 4/26/19

(Filing No. H-169)

**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 870, L.D. 1206, Bill, "An Act To Improve Aboveground Utilities' Responsiveness to Public Interests"

Amend the bill by striking out the title and substituting the following:

**'An Act Regarding Utility Poles in Public Rights-of-way'**

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

**'Sec. 1. 23 MRSA §3651, sub-§1,** as enacted by PL 1987, c. 583, §1, is amended to read:

**1. Legal objects not defects.** Trees, structures, utility poles and facilities and other things ~~which~~ that exist in accordance with municipal ordinances are not defects in a public way. For the purposes of this subsection, "facilities" has the same meaning as in Title 35-A, section 2502, subsection 3.

**Sec. 2. Report.** No later than January 31, 2020, the Public Utilities Commission shall submit to the Joint Standing Committee on Energy, Utilities and Technology a report regarding orders adopted or other actions taken by the commission during calendar year 2019 to address issues related to abandoned utility poles and associated facilities, as that term is defined in the Maine Revised Statutes, Title 35-A, section 2502, subsection 3, in the public right-of-way. Commission actions may include amendments to commission rules regarding removal or relocation of utility poles and any associated facilities located within the public right-of-way and restoration of a pole site to a safe condition. The report may include findings and recommendations, including suggested legislation. The committee may report out a bill to the Second Regular Session of the 129th Legislature related to the report.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

P. 68.

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**SUMMARY**

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This amendment replaces the bill. The amendment adds language to the law governing the safety and convenience of highways, town ways and streets to specify that utility poles and facilities are not defects in the public way, in order to relieve municipal officials from liability for utility poles and facilities in the public way. The amendment also directs the Public Utilities Commission to report to the Joint Standing Committee on Energy, Utilities and Technology in January 2020 regarding actions the commission has taken to address issues related to abandoned utility poles and any associated facilities in the public right-of-way.

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**FISCAL NOTE REQUIRED**

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(See attached)



# 129th MAINE LEGISLATURE

LD 1206

LR 1082(02)

## An Act To Improve Aboveground Utilities' Responsiveness to Public Interests

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-169)  
Committee: Energy, Utilities and Technology  
Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - Other Special Revenue Funds

#### Fiscal Detail and Notes

Any additional cost to the Public Utilities Commission to report on actions taken to address issues related to abandoned utility poles and any associated facilities in the right of way are anticipated to be minor and can be absorbed within existing budgeted resources.