

MAINE STATE LEGISLATURE

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N I N E T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 1593

Sent down for concurrence. Read and adopted.

In Senate, May 17, 1957.

CHESTER T. WINSLOW, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

SENATE AMENDMENT "A" to S. P. 385, L. D. 1081, Bill, "An Act Relating to Cost of Relocating Facilities in Federal-Aid Interstate Highway Projects." (L. D. 1510) as amended by Senate Amendment "A" thereto. (Amendment Filing No. 466)

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

Sec. 1. R. S., c. 23, § 23-A, additional. Chapter 23 of the Revised Statutes is hereby amended by adding thereto a new section, to be numbered 23-A, to read as follows:

'Sec. 23-A. Payment for cost of relocating facilities in interstate system. Any utility which is required to move or relocate its facilities under the provisions of this section from or in any way because of construction needs in building the interstate system under the Federal-Aid Highway Act of 1956 on projects for which the contracts are signed after the effective date of this act shall be reimbursed for the cost of relocation of such facilities as said cost is defined in said Federal-Aid Highway Act. The State Highway Commission may make rules and regulations for the determination of such cost in conformity with applicable Federal rules and regulations under said Act. The Commission shall have such rights to inspect the books of account of the utility as may be required in determining the reimbursable costs provided in this section.

Whenever the Commission shall determine that any utility facility which now is, or hereafter may be, located in, over, along or under any way should be moved or relocated because of construction needs in building said interstate system, the utility owning or operating such facility shall relocate or move the same in accordance with an order of the Commission. If the failure of the utility to move such facility within the time specified in such order should delay the work of the contractor on the project involved, the utility shall be liable to the State for the damages that the State may be required to allow to the contractor under the

contract between the State and the contractor for delay in the work caused by the presence of the facility. The utility shall not be liable for such damages if its failure to move shall be for reasons beyond its control. If the Commission and the utility shall not agree as to the liability of the utility for such damages, either party may petition any Justice of the Superior Court for a determination thereof. Such liability shall not exceed such reimbursable costs as may be determined by the provisions of the preceding paragraph.

"Utility" as used in this section shall mean and include any public utility under the jurisdiction of the Public Utilities Commission and also any corporation which owns and operates a telephone or telegraph system or an oil pipe line system and which is subject to the jurisdiction of the Federal Communications Commission or Interstate Commerce Commission.

The reimbursable costs provided in this section shall be paid from the general fund operating capital under the direction of the State Highway Commission, and said general fund operating capital shall be repaid in full for any costs so paid from reimbursements received by the State Highway Commission from the Federal Government on account thereof.

Sec. 2. Limitation. The provisions of this act shall apply only to projects in said interstate system for which the contracts are signed prior to June 30, 1959, and at no time during the fiscal year 1957-58 or the fiscal year 1958-59 shall the amount paid from the general fund operating capital for the purposes of this act exceed the amount of the 90% federal funds to be available for projects in said interstate system under the Federal-Aid Highway Act of 1956 to match a State appropriation of \$12,500.

Sec. 3. Appropriation. There is hereby appropriated from the general fund, to be expended under the direction of the State Highway Commission, for the purposes of this act the sum of \$12,500 for the fiscal year ending June 30, 1958 and the sum of \$12,500 for the fiscal year ending June 30, 1959. Any unexpended balance on June 30, 1958 shall not lapse, but shall carry forward into the next fiscal year for the same purposes. All unexpended balances on June 30, 1959 shall lapse into the unappropriated surplus of the general fund.