

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2002

CHAPTER 607

S.P. 671 - L.D. 1874

**An Act to Give the Department of
Administrative and Financial
Services, Bureau of General Services
Discretion Regarding Building Codes**

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

Sec. 1. 5 MRSA §1742, sub-§6-A, as enacted by PL 1971, c. 741, is amended to read:

6-A. Building code. To adopt for design purposes for all public improvements the most recent version of one of the following published compilations of rules which that has been prepared by the International Code Council, the American Insurance Association, the Building Officials and Code Administrators International, the International Conference of Building Officials, the National Fire Protection Association or the Southern Building Code Congress, except that, where an administrative unit has adopted one of the above codes, such that code shall must be used for the design of a school building in that administrative unit.

The bureau has discretion to determine which portions of the building codes used in this subsection are applicable to public improvement projects. This determination must be adopted by rule and applies to all public improvement projects covered by those codes. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter II-A;

See title page for effective date.

CHAPTER 608

H.P. 1472 - L.D. 1973

An Act Regarding Utility Easements

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

Sec. 1. 35-A MRSA §2311, as amended by PL 1991, c. 743, §1, is further amended to read:

**§2311. Lines along railroads; application to Public
Utilities Commission when disagreement**

A person maintaining or operating a telephone or electric line may construct a line across, upon or along any railroad with the written permit of the person owning or operating the railroad. If the person seeking to construct the line cannot maintaining or

operating a telephone or electric line and the person owning or operating the railroad can not agree with the parties operating the railroad, as to constructing the construction or manner of construction of lines upon, along or across the railroad or as to the manner in which lines may be continued operation of lines constructed upon, along or across the railroad, either party may apply to the commission, who, after notice to those interested, shall hear and determine the matter and make their award, which. The commission's decision is binding upon the parties. The commission may grant the person seeking to construct or operate a line a permit with appropriate terms and conditions to construct or operate the line along, upon or across the railroad or, in the case of a line across the railroad, authorize, subject to appropriate terms and conditions, the person to take by eminent domain an easement across the railroad. The taking of an easement authorized by the commission pursuant to this section must be in accordance with the procedures established in chapter 65. This section does not permit the commission to authorize the taking of an easement over lands owned by the State. The person seeking to construct lines on the railroad shall pay the expenses of the hearing, except that if the commission finds that parties owning or operating the railroad have unreasonably refused their consent, those parties shall pay the expenses. Without limiting the commission's jurisdiction under this section, if a railroad company and a telephone or electric transmission and distribution utility enter into an agreement involving a utility crossing of railroad property and that agreement or some other agreement provides that the commission shall resolve disputes arising under the original agreement, the commission may resolve those disputes. As used in this section, the term "railroad" includes, but is not limited to, a railroad whose abandonment has been approved pursuant to 49 United States Code, Chapter 109.

Sec. 2. 35-A MRSA §3136, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

2. Right of eminent domain not applicable.
The right of eminent domain granted in subsection 1 does not apply to:

- A. Lands or easements located within 300 feet of an inhabited dwelling;
- B. Lands or easements on or adjacent to any developed or undeveloped water power;
- C. Lands or easements so closely paralleling existing wire lines of other utilities that the proposed transmission lines would substantially interfere with service rendered over the existing lines, except with the consent of the owners; ~~and~~