

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES  
AND TECHNOLOGY**

August 2019

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# STATE OF MAINE

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 129<sup>th</sup> Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Energy, Utilities and Technology*

Public Law 2019, chapter 127 provides access by municipalities to facilities located in the municipal right-of-way in the interest of public health, safety and welfare. The law exempts a municipality from expenses assessed for make-ready work to accommodate the municipality's attaching its facilities to shared-used utility poles for a governmental purpose consistent with the police power of the municipality or for the purpose of providing broadband service to an unserved or underserved area.

**LD 1198     An Act To Ensure Transparency and Participation in Maine Water Districts**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B MARTIN D	ONTP OTP	

This bill removes from the laws governing water districts and standard water districts language referencing the appointment of standard district trustees pursuant to standard district charters. It amends the law regarding appointments of trustees to provide that, if sufficient and appropriate nominations for the election of trustees have not occurred, trustees may be appointed.

**LD 1206     An Act Regarding Utility Poles in Public Rights-of-way**

**PUBLIC 128**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P	OTP-AM	H-169

This bill provides specific authority to a municipality or other applicable licensing authority to manage public rights-of-way, to issue licenses or permits for the use of those rights-of-way by utilities such as wireless telecommunications service providers and cable television systems and to charge a fee for the license or permit. A municipality or applicable licensing authority may order a utility to alter, remove or relocate its facilities. A utility that fails to comply with a written order of a municipality to alter, remove or relocate the utility's facilities is subject to a fine of up to \$1,000 per day for each day the utility remains in violation of the order of the municipality.

**Committee Amendment "A" (H-169)**

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.

**Enacted Law Summary**

Public Law 2019, chapter 128 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. It 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.