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Date: (Filing No. S-)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 504, L.D. 1223, “An Act to Clarify Cost Allocations and Insurance in the Joint Use of Public Utility Equipment”

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

'An Act to Clarify Insurance in the Joint Use of Public Utility Equipment'

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

'Sec. 1. 35-A MRSA §2524, sub-§3 is enacted to read:

3. Insurance requirements. The owner of a shared-use pole may require a municipality, as a condition of the municipality's attachment to the owner's shared-use pole, to purchase and maintain a general liability insurance policy meeting the pole owner's insurance requirements. The pole owner may not require that the general liability insurance have a coverage limit in excess of \$5,000,000 per occurrence. In accordance with Title 14, section 8116, if the limits provided in the insurance policy are in excess of the limit imposed by Title 14, section 8105, the limits in the policy will replace the limit imposed by Title 14, section 8105 and if the insurance policy provides coverage in areas where the municipality is immune, the municipality is liable in those substantive areas but only to the limits of the insurance coverage.

This subsection is repealed October 1, 2028.'

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

SUMMARY

This amendment replaces the bill and changes the title. It provides that a shared-use pole owner may not require a municipality, as a condition of the municipality's attachment to the pole, to purchase and maintain a general liability insurance policy with a limit in excess of \$5,000,000 per occurrence. It clarifies that the provision of the Maine Tort Claims Act relating to insurance coverage applies to the municipality's liability limits and areas of

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1 liability if the municipality purchases such coverage. The amendment includes a repeal date
2 of October 1, 2028.