



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1223

S.P. 504

In Senate, March 21, 2023

An Act to Clarify Cost Allocations and Insurance in the Joint Use of Public Utility Equipment

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator GROHOSKI of Hancock.
Cosponsored by Senator: BENNETT of Oxford, Representatives: CARLOW of Buxton,
DODGE of Belfast.

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

2 **Sec. 1. 35-A MRSA §711, sub-§2,** as amended by PL 2017, c. 199, §1, is repealed.

3 **Sec. 2. 35-A MRSA §711, sub-§2-A** is enacted to read:

4 **2-A. Cost allocation.** A pole owner is responsible for all costs associated with
5 accommodating an attachment to the pole except for an expense under section 2524,
6 subsection 2. A cost under this subsection may be included as an administrative expense or
7 depreciated asset cost under the pole owner's maintenance, except for:

8 A. The cost of a modification of an existing attachment to comply with an applicable
9 safety, engineering or construction code or standard. A cost under this paragraph is the
10 responsibility of the owner of the attachment;

11 B. The cost of insurance under subsection 2-B of an attaching entity; and

12 C. The cost of damage to the property of the owner or user of the pole, duct, conduit
13 or right-of-way that results from the use of the pole by an attaching entity. A cost under
14 this paragraph is the responsibility of the attaching entity.

15 **Sec. 3. 35-A MRSA §711, sub-§2-B** is enacted to read:

16 **2-B. Insurance.** A pole owner may require an attaching entity or a contractor of an
17 attaching entity to be insured. An attaching entity or licensed contractor of the attaching
18 entity is solely responsible for the type and terms of the attaching entity's or contractor's
19 insurance coverage or associated cost. A pole owner or attaching entity may not dictate the
20 terms, type or level of insurance that another attaching entity or a contractor of an attaching
21 entity must carry to install or continue an attachment.

22 **SUMMARY**

23 This bill clarifies that an owner of a utility pole is responsible for costs associated with
24 accommodating an attachment to the pole except for costs associated with municipal
25 attachments, costs of a modification of an attachment to comply with safety, engineering
26 or construction codes or standards or the cost of insurance of the attaching entity. This bill
27 also clarifies that a pole owner may require an attaching entity or a contractor of the
28 attaching entity to carry insurance but the pole owner or attaching entity may not dictate
29 the terms, type or level of the insurance of another attaching entity or contractor.