| 1 | L.D. 1192 |
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| 2 | Date: (Filing No. S-) |
| 3 | ENERGY, UTILITIES AND TECHNOLOGY |
| 4 | Reproduced and distributed under the direction of the Secretary of the Senate. |
| 5 | STATE OF MAINE |
| 6 | SENATE |
| 7 | 129TH LEGISLATURE |
| 8 | FIRST REGULAR SESSION |
| 9 10 | COMMITTEE AMENDMENT "" to S.P. 366, L.D. 1192, Bill, "An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way" |
| 11 12 | Amend the bill by striking out everything after the enacting clause and inserting the following: |
| 13 | 'Sec. 1. 35-A MRSA §2524 is enacted to read: |
| 14 | <u>§2524. Municipal access to poles</u> |
| 15 16 | 1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings. |
| 17 18 19 | A. "Make-ready work" means the rearrangement or transfer of existing facilities, replacement of a pole, complete removal of any pole replaced or any other changes required to make space available for an additional attachment to a shared-use pole. |
| 20 21 22 23 24 | B. "Municipality" means a town, city, plantation, county, regional council of governments, quasi-municipal corporation or district as defined in Title 30-A, section 2351, regional municipal utility district established according to Title 30-A, section 2203, subsection 9 or a corporation wholly or partially owned by an entity specified in this paragraph. |
| 25 26 | C. "Unserved or underserved area" has the same meaning as in section 9202, subsection 5. |
| 27 28 29 30 31 | 2. Access to poles; make-ready requirements. Notwithstanding any provision of law to the contrary, for the purpose of safeguarding access to infrastructure essential to public health, safety and welfare, an owner of a shared-use pole and each entity attaching to that pole is responsible for that owner's or entity's own expenses for make-ready work to accommodate a municipality's attaching its facilities to that shared-use pole: |
| 32 33 | <u>A.</u> For a governmental purpose consistent with the police power of the municipality; <u>or</u> |

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| 1 2 | B. For the purpose of providing broadband service to an unserved or underserved area.' |
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| 3 4 | Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively. |
| 5 | SUMMARY |
| 6 | The amendment changes the provision in the bill that exempts a municipality from |
| 7 | expenses assessed for make-ready work to accommodate the municipality's attaching its |
| 8 | facilities to a shared-used pole for any purpose. The amendment instead exempts a |
| 9 | municipality from expenses assessed for make-ready work to accommodate the |
| 10 | municipality's attaching its facilities for a governmental purpose consistent with the |
| 11 | police power of the municipality or for the purpose of providing broadband service to an |
| 12 | unserved or underserved area. |
| 13 | FISCAL NOTE REQUIRED |
| 14 | (See attached) |

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