



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1192

S.P. 366

In Senate, March 12, 2019

**An Act To Establish Municipal Access to Utility Poles Located in
Municipal Rights-of-way**

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 VITELLI of Sagadahoc.
Cosponsored by Representative HEPLER of Woolwich and
Senators: BREEN of Cumberland, DOW of Lincoln, MIRAMANT of Knox, Representatives:
BERRY of Bowdoinham, RYKERSON of Kittery.

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

2 **Sec. 1. 35-A MRSA §2524** is enacted to read:

3 **§2524. Municipal access to poles**

4 Notwithstanding any provision of law to the contrary, for the purpose of safeguarding
5 access to infrastructure essential to public health, safety and welfare, an owner of a
6 shared-use pole and each entity attaching to that pole is responsible for that owner's or
7 entity's own expenses for work, including rearrangement or transfer of existing facilities,
8 replacement of a pole, complete removal of any pole replaced or any other changes
9 required to accommodate a municipality's attaching its facilities to that shared-use pole
10 for any purpose. For the purposes of this section, "municipality" means a town, city,
11 plantation, county, regional council of governments, quasi-municipal corporation or
12 district as defined in Title 30-A, section 2351, regional municipal utility district
13 established according to Title 30-A, section 2203, subsection 9 and corporation wholly or
14 partially owned by a municipality or municipalities.

15 **SUMMARY**

16 This bill amends the utilities laws to provide access by municipalities to facilities
17 located in the municipal right-of-way in the interest of public health, safety and welfare.
18 The bill also establishes the preservation of space for municipal attachments to shared-use
19 poles by exempting municipalities from expenses assessed by joint use entities when the
20 attachment is made for any purpose.