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THE MAINE SENATE
131st Legislature

**Testimony of Senator Nicole Grohoski
In Support of LD 1223, "An Act to Clarify Cost Allocations and Insurance in the
Joint Use of Public Utility Equipment"**

**Before the Committee on Energy, Utilities and Technology
10 May 2023**

Good afternoon Senator Lawrence, Representative Zeigler, and fellow members of the Joint Standing Committee on Energy, Utilities and Technology. As you know, my name is Nicole Grohoski and I am honored to represent the 22 communities of Senate District 7. I am here in support of LD 1223, "An Act to Clarify Cost Allocations and Insurance in the Joint Use of Public Utility Equipment."

In the past few years, we have made great efforts to expand high-speed internet to more Mainers. As the pace of public, private, and public-private investments in infrastructure increases, we are able to see what is working well and what issues still need to be resolved.

This bill amendment addresses one such impediment – that is, the legal inability of municipalities to acquire millions of dollars of insurance coverage for pole attachments. In some instances, pole owners are requiring municipalities to carry coverage for attaching infrastructure to poles, despite the fact that the municipalities contract for this work, and their contractors carry adequate insurance coverage.

Maine's statutory liability protection for public entities (the Maine Tort Claims Act) does not currently provide for the coverage level being required by pole owners – its maximum is \$400,000. Thus, the proposed amendment establishes that the Maine Tort Claims Act covers any potential liability resulting from municipal attachments to utility poles. This is similar to how it covers other types of governmental liability for construction and facilities management.

In conclusion, I want to thank the stakeholders who helped me redraft this bill to accomplish the goal, but in a more precise and effective way. I hope that we can help clear up this issue so that communities that are ready to move forward with broadband installations may do so. Thank you for your attention and I am happy to answer any questions you may have.