

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-THREE

S.P. 346 - L.D. 1041

An Act to Expedite Maintenance of Utility Facilities**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 35 – A MRSA § 2522 is enacted to read:

§2522. Maintenance of utility facilities

Notwithstanding any other provision of law, an electric utility or telephone utility may trim, cut or remove by cutting trees located within the public right-of-way of a public way and may trim or cut portions of trees encroaching upon the public right-of-way when necessary to ensure safe and reliable service if:

1. Notice to applicable licensing authority. Notice is provided by the utility to the applicable licensing authority, as defined in section 2502, at least 30 days before the trimming, cutting or removal of trees;

2. Consultation with applicable licensing authority. Upon request of the applicable licensing authority, the utility consults with the applicable licensing authority before the trimming, cutting or removal of trees. Notice must be sent to each municipality in which the trimming, cutting or removal of trees is to be conducted and the utility shall consult with the applicable municipal licensing authority or, if none, the municipal officers before commencing operations. The municipal licensing authority or, if none, the municipal officers may elect to hold a public hearing on the utility's proposal and, if so, the utility may not commence operations until after the public hearing has been held;

3. Public notice. Public notice is placed in at least 2 newspapers with circulation in the area where trimming, cutting or removal of trees is scheduled to occur at least 30 days before the trimming, cutting or removal of those trees. The notice must state that customers may request to be placed on the list, required under subsection 4, of persons who have requested to be personally consulted before the trimming, cutting or removal of trees;

4. Customer notice list. Before the trimming, cutting or removal of trees, the utility confers with any person who requests personal consultation concerning the trimming, cutting or removal of trees in which the person has a legal interest. The utility shall keep a list of persons who have requested personal consultation under this subsection. The utility shall notify annually, in the form of a bill insert, all of the utility's customers of the opportunity to be on the list required under this subsection; and

5. Shade and ornamental trees. Before removing a shade or ornamental tree, the utility consults with the owner of the land upon which the tree is located. For purposes of this subsection, "owner" includes a person who owns the underlying fee interest in land encumbered with a public easement.

This section does not apply to trimming, cutting or removal of trees undertaken in emergency situations.