1 AN ACT to Recodify the Public Utilities Law.

3 Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

6 Whereas, the statutes governing public utilities affect the vital interests of the people of Maine; and

9 Whereas, it is likely that the First Regular Session of the 113th Legislature will enact some legislation affecting public utilities; and

12 Whereas, the laws will be clearer if that new legislation is prepared with reference to the new, recodified Title 35-A; and
Wherever highways maintained by the State are affected, whether said highways are situated in cities, towns or plantations, the department shall have all and the same rights, powers and duties in connection therewith as are granted to cities in city streets by sections 3351 to 3359, and to cities and towns by Title 35, sections 2346, 2306 and 2349. Whenever the opening fee provided by section 3354 or by Title 35, 35-A, section 2351, 2312, has been paid to the department and a permit for digging up and opening a highway maintained by the State has been issued by the department, the holder of said permit shall be entitled to make the opening described therein without the payment of fees to the city or town or village corporation in which the street, road or highway to be opened is situated.

Sec. 17. 23 MRSA §255, 3rd ¶ is amended to read:

"Utility," as used in this section, means and includes any public utility under the jurisdiction of the Public Utilities Commission and any corporation which owns and operates a telephone or telegraph system or an oil pipe line system which is subject to the jurisdiction of the Federal Communications Commission or Interstate Commerce Commission and any municipality or any quasi-municipal body operating a utility service such as a fire or police alarm line, street lighting, sewerage or water pipes and any rural electrification cooperative which is subject to Title 35, 35-A, chapters 221 to 227, chapter 37, subchapters I, II and III.

Sec. 18. 23 MRSA §651, 4th ¶ is amended to read:

Wherever, on or along public highways, ditches or drains have existed for a period of 20 years or longer, which cause water to be flowed away from the highway, there shall be a conclusive presumption that easements for such flowage from such ditches or drains exist, but only to the extent of the original flowage. This paragraph shall not apply in the cases protected by Title 35, section 6025.

Sec. 19. 23 MRSA §1967, sub-§4, as enacted by PL 1981, c. 595, §3, is amended to read:
4. Authority for transfers of interest in land to the authority. All counties, cities, towns and other political subdivisions or municipalities and all public agencies and commissions of the State, and all public service corporations and districts, notwithstanding any contrary provisions of law, may lease, lend, grant or convey to the authority, upon its request, upon such terms and conditions as the proper authorities of the counties, cities, towns, political subdivisions, other municipalities, agencies, commissions, public service corporations and districts deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality other than the regular and formal action of the authorities concerned, any real or personal property or rights therein which may be necessary or convenient to the effectuation of the authorized purposes of the authority, including real and personal property or rights therein already devoted to public use. As used in this subsection, the term "public service corporation" includes every public utility as defined in Title 35 35-A, section 102, subsection 13, and every corporation referred to in Title 13-A.

Sec. 20. 23 MRSA §2903, as amended by PL 1971, c. 593, §§19 and 20, is further amended to read:

§2903. Maintenance of railroad crossings already laid out

Notwithstanding any section of Title 35, chapter 51 Part 7, in case of ways already laid out which cross over or under any railroad track or tracks and not at grade, the allocation of the expense of maintaining so much thereof as is within the limits of such railroad shall be determined, de novo, as provided by section 2902, by the Department of Transportation upon application to it by any corporation whose track is or tracks are so crossed, or upon application by the municipal officers of any town in which the crossing is located, or upon application by the Department of Transportation.

Sec. 21. 23 MRSA §2928, as enacted by PL 1981, c.456, Pt. A, §81, is amended to read:
STATEMENT OF FACT

PART A

Section 1 of the bill places the text of the existing Maine Revised Statutes, Title 35, section 2361, subsections 2, 3 and 4, dealing with telecommunications services for the deaf, within Title 22, chapter 963, entitled "Deaf and Hearing Impaired Persons."

Sections 2, 3 and 4 place the provisions on railroads from Title 35 into proper place in the transportation statutes, Title 23.

Sections 5 and 6 accomplish the recodification of Title 35, Public Utilities, by enacting a new Title 35-A.

Section 7 repeals the gas subcommittee as established by Public Law 1981, c. 660, section 4.

Sections 8 and 9 repeal provisions of Private and Special Law 1885, c. 495, sections 10 and 12, concerning the Casco Bay Islands Transit District. The substantive matter from these provisions in now found in Title 35-A, Part 5.

Section 10 enacts a provision setting out the purposes of the recodification of the public utilities laws.

The following is the conversion table of Title 35 to Title 35-A.

TITLE 35-A

PUBLIC UTILITIES

PART 1

PUBLIC UTILITIES COMMISSION

CHAPTER 1. Organization, General Power and Duties 101

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