

## STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

S.P. 366 - L.D. 1192

**An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 35-A MRSA §2524** is enacted to read:**§2524. Municipal access to poles**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

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.

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.

C. "Unserved or underserved area" has the same meaning as in section 9202, subsection 5.

**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:

A. For a governmental purpose consistent with the police power of the municipality;  
or

B. For the purpose of providing broadband service to an unserved or underserved area.