

§2524. Municipal access to poles**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

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. [PL 2019, c. 127, §1 (NEW).]

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. [PL 2019, c. 127, §1 (NEW).]

C. "Unserved or underserved area" has the same meaning as in section 9202, subsection 5. [PL 2019, c. 127, §1 (NEW).]
[PL 2019, c. 127, §1 (NEW).]

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 [PL 2019, c. 127, §1 (NEW).]

B. For the purpose of providing broadband service to an unserved or underserved area. [PL 2019, c. 127, §1 (NEW).]
[PL 2019, c. 127, §1 (NEW).]

3. (TEXT EFFECTIVE UNTIL 10/1/28) (TEXT REPEALED 10/1/28) Insurance requirements. The owner of a shared-use pole may require a municipality, as a condition of the municipality's attachment to the owner's shared-use pole, to purchase and maintain a general liability insurance policy meeting the pole owner's insurance requirements. The pole owner may not require that the general liability insurance have a coverage limit in excess of \$5,000,000 per occurrence. In accordance with Title 14, section 8116, if the limits provided in the insurance policy are in excess of the limit imposed by Title 14, section 8105, the limits in the policy will replace the limit imposed by Title 14, section 8105 and if the insurance policy provides coverage in areas where the municipality is immune, the municipality is liable in those substantive areas but only to the limits of the insurance coverage.

This subsection is repealed October 1, 2028.
[PL 2023, c. 313, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 127, §1 (NEW). PL 2023, c. 313, §1 (AMD).

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