

TITLE 4: ECONOMIC RESOURCES
DIVISION 8: UTILITIES

§ 8202. Definitions.

- (a) "Damage" includes the substantial weakening of structural or lateral support in an underground or above ground utility; penetration or destruction of any protective coating, housing and other protective device of an underground or above ground utility; and the partial or complete severance of an underground or above ground utility.
- (b) "Demolish" or "demolition" means any operation by which a structure or mass material is wrecked, razed, moved or removed by means of any tools, equipment or discharge of explosive.
- (c) "Excavate" or "excavation" means an operation for the purpose of the movement or removal of earth, rock or other materials in or on the ground by use of mechanized equipment or by discharge of explosives; including auguring, backfilling, digging, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunneling, but not including the tilling of soil for agricultural purposes.
- (d) "Mechanized equipment" means equipment operated by means of mechanized power, including trenchers, bulldozers, power shovels, augers, back hoes, scrapers, drills, cable and pipe plows and other equipment used for plow-in cable or pipe.
- (e) "Operator" means those government agencies or private businesses responsible for operating the public utilities of the Commonwealth of the Northern Mariana Islands, specifically including the Commonwealth Utilities Corporation and Micronesian Telecommunications Corporation.
- (f) "Person" means any individual, any corporation, partnership, association or any other entity organized or doing business under the laws of the Commonwealth of the Northern Mariana Islands.
- (g) "Utility" means any line, system or facility used for producing, storing, conveying, transmitting or distributing communications, electricity, water or sewage.
- (h) "Working day" means every day except Saturday, Sunday and Commonwealth and legal holidays.
- (i) "Primary lines" means lines that deliver electricity at voltages over 600 volts.
- (j) "Secondary lines" means lines that deliver electricity at voltages ranging from 120 to 600 volts.

Source: PL 9-4, § 4, modified; (i) and (j) added by PL 14-12, § 2(c)(1) and (2), respectively.

Commission Comment: The Commission reordered the defined terms in alphabetical order.

PL 14-12 was enacted on May 28, 2004 and contained, among other enactments, findings and purpose, severability and savings clause provisions. According to PL 14-12:

Section 1. Findings and Purpose. The Legislature finds that the safety of the general public is threatened when trees and other vegetation grow

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uncontrollably near live power lines. Several incidents have occurred where citizens have been injured by such hazardous situations and it is imperative that these occurrences be prevented. It is further found that there have been numerous power outages when trees or other vegetation come in contact with live power lines. Not only do these power outages create inconveniences for the general public, they also unnecessarily result in additional costs to the operation of the Commonwealth Utilities Corporation.

The Legislature finds that a restrictive measure needs to be in place to prevent these situations. Therefore, it is the purpose of this legislation to place a restriction on the planting and maintenance of trees and vegetation near power poles and lines and to establish appropriate penalties.

The Legislature further finds that the initial costs of bringing existing noncompliant trees and vegetation into compliance could be unduly burdensome to many in the Commonwealth, especially our *man amko*, and that the Commonwealth Utilities Corporation is better suited to absorb these initial costs.