

HB 269 - AS INTRODUCED

2021 SESSION

21-0234

06/08

HOUSE BILL           **269**

AN ACT               relative to abandoned underwater cables.

SPONSORS:       Rep. Silber, Belk. 2; Rep. O'Hara, Belk. 9; Rep. Bean, Belk. 2; Rep. Howard, Belk. 8; Rep. Bordes, Belk. 3; Rep. Hough, Belk. 3; Rep. Terry, Belk. 5; Rep. Gay, Rock. 8

COMMITTEE:       Resources, Recreation and Development

---

ANALYSIS

This bill prohibits the abandonment of underwater cables.

-----

Explanation:       Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to abandoned underwater cables.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Subdivision; Merrill Fay Clean Lakes Act. Amend RSA 487 by inserting after section 43  
2 the following new subdivision:

3 Merrill Fay Clean Lakes Act

4 487:44 Title. This subdivision shall be known and may be cited as the Merrill Fay Clean Lakes  
5 Act.

6 487:45 Purpose and Finding. The general court finds that when an underwater cable running to  
7 any island in any lake in the state, whether from the mainland or from another island, is abandoned  
8 for any reason including, without limitation, when the cable being abandoned has been determined  
9 to be obsolete, defective, or inoperative in whole or in part and is being replaced by another cable,  
10 the failure or refusal to remove the obsolete, defective, or inoperative cable in connection with its  
11 replacement contaminates the lake bottom and surrounding environment and has the potential to  
12 interfere with boating near the location of the abandoned cable.

13 487:46 Definition. In this subdivision, "underwater cable" means a cable, however constructed  
14 and whether containing traditional electrical conductors or fiber option conductors, laid, directly or  
15 indirectly, on the lake bottom and running to any island in any lake in the state, whether from the  
16 mainland or from another island, to carry electric service or telecommunication signals across  
17 stretches of the open lake, including without limitation telephone communication, cable television  
18 signals, and Internet traffic.

19 487:47 Cable Removal Required.

20 I. Any person or entity installing any underwater cable in replacement of, or as a  
21 supplement to, any existing underwater cable that has been determined to be obsolete, defective, or  
22 inoperative in whole or in part, or the abandonment of such an existing underwater cable for any  
23 other reason, shall remove the abandoned underwater cable, whether partially or totally submerged,  
24 as an integral part of the installation of the new cable at the expense of the person or entity causing  
25 the new cable to be installed.

26 II. Any person or entity causing any existing underwater cable to be abandoned without  
27 replacement for any reason whatsoever shall remove, or cause to be removed, the abandoned  
28 underwater cable whether partially or totally submerged at their own expense.

29 487:48 Penalty.

30 I. Any person who violates the provisions of this subdivision shall be guilty of a violation.  
31 Agents of the department of safety, division of state police, or any police officer of the municipality in

**HB 269 - AS INTRODUCED**

**- Page 2 -**

1 which the abandoned underwater cable is submerged may issue citations for a violation of this  
2 section and issue fines of \$500 for each day the abandoned cable remains in the water.

3 II. No citation or fine so issued shall preclude the department from taking action under RSA  
4 485-A:22 against any person or entity failing to remove an abandoned underwater cable, whether  
5 partially or totally submerged, such failure being deemed to constitute an impermissible and illegal  
6 contamination of the affected lake bottom; and no action initiated by the department of  
7 environmental services under RSA 485-A:22 shall preclude the issuance of citations and fines  
8 pursuant to paragraph I.

9 III. Any person who knowingly fails to remove a submerged or partially submerged  
10 underwater cable being abandoned as required by this subdivision shall be guilty of a class B felony  
11 if the surface water is the source, or a tributary to a source, from which the domestic water supply of  
12 a city or town is taken, in whole or in part.

13 2 Effective Date. This act shall take effect 180 days.