

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

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PUBLIC LAWS
OF THE
STATE OF MAINE.

1885.

Chapter 378.

An Act to regulate the erection of posts and lines for purposes of Electricity.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Electric companies shall be subject to duties and liabilities prescribed in this act.

SECT. 1. Every company incorporated for the transmission of intelligence, heat, light, or power by electricity, and all persons and associations engaged in such business, shall be subject to the duties, restrictions and liabilities prescribed in this act.

—shall not construct lines along highways without written permit of municipal officers.

SECT. 2. No such company, person or association shall construct lines upon and along the highways and public roads of any city or town, without first obtaining a written permit, signed by the mayor and aldermen, or selectmen, specifying where the posts may be located, the kind of posts, and the height at which and the places where the wires may be run. Before granting such permit, fourteen days' public notice thereof shall be given, and residents and owners of property upon the highways to be affected thereby, shall have full opportunity to show cause why such permit should not be granted. Such public notice shall be given by publication in some newspaper printed in such city or town, if any, the last publication to be fourteen days before said hearing; if no newspaper is printed therein, then by posting the same in some public and conspicuous place therein fourteen days before said hearing; when the application for such permit is filed, the mayor, or chairman of the selectmen shall indorse thereon what personal notice, if any, shall be given by such company, persons or associations, to the residents and owners of property to be affected thereby. At the hearing, such company, persons or associations, before proceeding, shall first prove that such order of notice has been complied with and public notice given as hereinbefore required, and the adjudication of the mayor and aldermen, or selectmen, that such personal and public notice has been given shall be final and conclusive. If from any cause the notice given appears to have been defective, the municipal officers may order new notice, not exceeding seven days, and adjourn said hearing to a time named in said new order of notice. After the erection of the lines, having first given such company, persons, associations or their agents opportunity to be heard, the

—public notice shall be given of application for permit.

—manner of notice.

—when personal notice shall be served.

—if notice is defective, new notice shall be given.

Lines may be changed by order of municipal officers.

municipal officers may direct any alteration in the location or erection of such posts, and in the height of the wires. Such permits, specifications and decisions shall be recorded in the records of the city or town.

SECT. 3. An owner of land near to or adjoining a highway or road along which lines shall hereafter be constructed, erected or altered in location or construction by any company, person or association, if said owner's property is any way injuriously affected or lessened in value, whether by occupation of the ground, or air, or otherwise by such construction, alteration or location of any such line, whether such owner is also the owner of the fee in such way or not, may within six months after such construction, alteration or location apply to the mayor and aldermen, or selectmen, to assess and appraise the damage. Before entering upon the service, they shall severally be sworn to faithfully and impartially perform the duties required of them by this act. They shall, on view, make a just appraisal, in writing, of the loss or damage, if any, to the applicant, sign duplicates thereof, and, on demand, deliver one copy to the applicant, and the other to the company or its agent. If damages are assessed, the company shall pay the same, with the costs of the appraisers. If the appraisers award that the applicant has suffered no damage, he shall pay the costs of the appraisers. The award and costs may be recovered in an action of debt, if not paid in thirty days after written demand therefor served upon the company or any of its agents; the supreme judicial court for the county shall have jurisdiction thereof, and full costs shall be allowed. Before entering upon the discharge of their duties under this section, such municipal officers may require the applicant to advance to them their fees for one day and from day to day thereafter.

Land and other damages, how appraised.

—award and costs, how recovered.

SECT. 4. Whoever desires to cut, disconnect or remove the wires or poles of a telephone or electric light company in order to move a building, alter, repair or improve a street, bridge or way, or for any other necessary purpose, shall leave a written statement of the time when and the place where such removal is desired, at its office if it has any in that town, and if it has not, he shall send it by mail to its nearest office three days before such time; upon the expira-

Wires may be cut and poles removed to allow removal of buildings or repair of streets, etc.

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tion of which time, if such removal is not made by the company, such person may make the removal, and recover the cost thereof in an action of debt.

Fees of municipal officers for services.

SECT. 5. The mayor and aldermen and selectmen shall each receive, for services performed under this act, two dollars a day.

Party aggrieved by assessment of damages, may appeal.

SECT. 6. Either party aggrieved by the assessment of damages, may, within twenty days after the award, file in the office of the clerk of courts for the county, a copy of the award, with reasons of appeal, a copy of which papers, attested by the clerk, shall be served on the adverse party at least fourteen days before the term of the supreme judicial court for that county, to be holden next after the expiration of said fourteen days. After entry, the matter shall be determined by a jury, or by the court by agreement of parties, in the same manner as other civil causes. If the company is the appellant, and the award is not decreased, the costs shall be paid by the company; if the applicant appeals, and the award is not increased, the costs shall be paid by the applicant.

--how determined.

--costs, how paid.

Enjoyment of right to attach wire, etc., to any building, limited.

SECT. 7. No enjoyment by any company, person or association, for any length of time, of the privilege of having or maintaining posts, wires, or apparatus, in, upon, over, or attached to any building or land of other persons shall give a legal right to the continued use of such enjoyment, or raise any presumption of a grant thereof.

Liability of company for personal and other injury.

SECT. 8. When an injury is done to a person or to property by the posts, wires, or other apparatus of any company, person, or association, mentioned in section one, such company, person, or association shall be responsible in damages to the person injured. If the same be erected on a highway or town way, the city or town shall not, by reason of anything contained in this act or done thereunder be discharged from its liability, but all damages and costs recovered against a city or town on account of such injury shall be re-imbursed by the company, persons, or associations owning such posts, wires, or apparatus.

--liability of city or town.

--damages and costs, how paid.

Telephone connections, how regulated.

SECT. 9. Every corporation operating a telephone line in this state shall, upon the application of any other corporation operating a telephone line, allow to the corporation first making such application, connection between such lines upon

the same rates as charged for the same distances upon the lines of the corporations so connecting, and with the same charges for use of telephone exchanges as established for the patrons of such corporations. Every corporation authorized by its charter to grant telephone privileges, including the leasing of instruments and other appliances, shall grant such privileges upon equal and uniform terms and conditions.

SECT. 10. Section six of chapter one hundred and twenty-seven of the revised statutes is hereby amended by adding after word "telegraph," the words 'telephone or electric light line,' so that said section, as amended, shall read as follows:

Sec. 6, ch. 124,
R. S., amended.

'SECT. 6. Whoever wilfully or maliciously injures, removes or destroys any dam, reservoir, canal, trench, or their appurtenances, or the gear or machinery of a mill or manufactory; draws off the water from a mill pond, canal or trench; destroys or injures any engine or its apparatus for the extinguishment of fire, or any posts, glass caps, wires, or other material used in the construction and operation of a telegraph, telephone or electric light line; removes, injures, or destroys any public or toll bridge, or places any obstruction on such bridge or on any public road, with intent to injure persons or property passing thereon, shall be punished by imprisonment for not more than three years or by fine not exceeding five hundred dollars.'

Penalty for
injuring prop-
erty.

SECT. 11. Sections one, two and four of chapter fifty of the revised statutes are hereby made applicable to persons or companies owning or using telephone lines, wholly or partly in the state.

Secs. 1, 2 and 4,
ch. 51, made
applicable.

SECT. 12. Every company, association or person maintaining or operating a telephone or other electrical line, or any one who in any manner affixes or causes to be affixed to the buildings, or building, of another, any structure, fixture, wire, or other apparatus, or enters upon the property of another for the purpose of affixing the same, in either case without the consent of the owner or lawful agent of the owner of such property shall, on complaint of such owner, or his tenant, be punished by fine not exceeding one hundred dollars.

Penalty for affix-
ing wire to build-
ing, etc., without
consent of owner.

SECT. 13. Such company, person or association may construct a line upon or along any railroad by the written permit

May construct
line along any
railroad, by
written permit.

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—if parties cannot agree, either may apply to R. R. commissioners.

—expenses, how paid.

of the person or corporation operating such railroad, but in case such company cannot agree with the parties operating such railroad, as to constructing lines along the same, or as to the manner in which lines may be constructed upon, along or across the same, either party may apply to the railroad commissioners, who, after notice to those interested, shall hear and determine the matter and make their award in relation thereto, which shall be binding upon the parties. The expenses of the hearing shall be paid by the company, person or association seeking to construct lines on the railroad, except that if the railroad commissioners shall find that parties operating the railroad, have unreasonably refused their consent, said parties shall pay the expenses.

Approved March 6, 1885.

Chapter 379.

An Act to prevent incompetent persons from conducting the business of Apothecaries.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Business of apothecaries regulated.

SECT. 1. From and after the passage of this act, it shall not be lawful for any person, within the limits of the state, to conduct the business of an apothecary, or any part thereof, except as hereinafter provided.

Commissioners of Pharmacy, appointment of.

SECT. 2. The governor, under the advice and consent of the council, shall appoint three suitable persons to be commissioners of pharmacy, one commissioner to be appointed as the term of each of those now holding office shall expire, to hold office for the term of three years, unless removed for cause, and until a successor is appointed and qualified. If a vacancy occurs in said commission, another shall be appointed as aforesaid to fill the unexpired term thereof. Before entering on the duties of their office, the commissioners shall be sworn to faithfully and impartially discharge the same, and a record shall be made thereof on their commission.

—tenure.

—vacancies.

—to be sworn.

Powers and duties.

SECT. 3. Said commissioners shall examine any person who desires to carry on the business of an apothecary, and if he is found skilled in pharmacy, shall give him a certificate of that fact, and that he is authorized to engage in the busi-