

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

November 20, 1953

The State Highway Commission
Augusta, Maine

Re: Claim of the Western Union
Telegraph Company for compen-
sation for removal of poles and
wires caused by construction of
the Veazie new highway.

Gentlemen:

In answer to your oral inquiry as to the liability of the State for the expense to the Western Union Telegraph Company in moving its poles and wires, I beg to advise you that while I do not find any cases exactly in point, I do find certain cases which appear to hold that the telegraph company owns certain property rights in these poles and wires and that the injury to and destruction of such rights have been in some cases enjoined by the courts.

The company erected and maintained its wires along the line of the railroad company under a certain contract with the railroad company, the consideration being the erection and maintenance of two wires for the exclusive use of the railroad company, and in addition, free service over the lines of the telegraph company between certain points.

My investigation causes me to believe that the Western Union Telegraph Company has an equitable claim against the State which should be recognized by your Commission. It is possible that the Commission might compromise the claim of the company. In any event I think some adjustment should be made in order to recompense the company for the expense it has been compelled to make by reason of the new construction in the new location.

Very truly yours,

Deputy Attorney General

SLF H