

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1954

H. P. 1524

House of Representatives, May 21, 1973

Reported by Mr. Chick from Committee on Public Utilities and printed under Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Location of Certain Facilities in Public Ways.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 35, § 2483, sub-§ 3, repealed and replaced. Subsection 3 of section 2483 of Title 35 of the Revised Statutes, as last repealed and replaced by section 6 of chapter 262 of the public laws of 1967, and as amended by section 22 of chapter 593 of the public laws of 1971, is repealed and the following enacted in place thereof:

3. Notice. The applicant may give public notice of the application by publishing its description of the proposed facility once in a newspaper circulated in the municipality or municipalities encompassing the limits of the proposed location. A copy of any application filed with the Department of Transportation shall be sent by the applicant to the town or city clerk of each municipality in which the facilities are located, or to the clerk of the county commissioners in the case of facilities within a plantation or unorganized township, except that the applicant may, without publication of its application, place its facility described in its application on receipt of a permit from the licensing authority as may be otherwise provided.

Sec. 2. R. S., T. 35, § 2483, sub-§ 4, repealed and replaced. Subsection 4 of section 2483 of Title 35 of the Revised Statutes, as last repealed and replaced by section 6 of chapter 262 of the public laws of 1967, and as amended by section 22 of chapter 593 of the public laws of 1971, is repealed and the following enacted in place thereof:

4. Objection.

A. Any person, firm or corporation owning property within the subject municipality and which abuts the applicable public way may file a written objection with the appropriate licensing authority within 14 days after publication by the applicant. The written objection shall state the cause for the objection. The written objection shall be served by delivery in hand or by registered or certified mail.

B. If the applicant proceeds without publication of the application, any person, firm or corporation owning property within the subject municipality and which abuts the applicable public way may file a written objection with the appropriate licensing authority within 90 days after installation of the facility described in the application. The written objection shall state the cause for the objection. The written objection shall be served by delivery in hand or by registered or certified mail.

Sec. 3. R. S., T. 35, § 2483, sub-§ 5, repealed and replaced. Subsection 5 of section 2483 of Title 35 of the Revised Statutes, as last repealed and replaced by section 6 of chapter 262 of the public laws of 1967, and as amended by section 22 of chapter 593 of the public laws of 1971, is repealed and the following enacted in place thereof:

5. Hearing. The licensing authority on receipt of a written objection shall fix a time and place for hearing, and 7 days' notice of hearing shall be given by registered or certified mail to the applicant and any person, firm or corporation filing lawful objections. Adjudication by the licensing authority on validity of the applicant's notice or procedures shall be final and conclusive. If the licensing authority finds its notice of hearing or the applicant's notice of application or the applicant's procedures defective, it may fix a new time and place for hearing and shall order appropriate notice to be published or defect corrected and shall adjourn the hearing to meet at the time and place fixed in its order, otherwise it shall proceed with the hearing.

Sec. 4. R. S., T. 35, § 2483, sub-§ 20, repealed and replaced. Subsection 20 of section 2483 of Title 35 of the Revised Statutes, as last repealed and replaced by section 6 of chapter 262 of the public laws of 1967, is repealed and the following enacted in place thereof:

20. Legal Effect.

A. Facilities and appurtenances heretofore installed, maintained and now in use within any public way, together with any facilities and appurtenances hereafter installed and maintained in accordance with this section, shall be deemed legal structures and the party maintaining the same shall be liable on account thereof only for acts of carelessness or negligence in the erection or maintenance of the same.

B. The failure of the licensing authority to grant or deny a permit for which application is made within 60 days of filing shall be deemed to constitute the issuance of such location permit.