

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TENTH LEGISLATURE  
4

5 **Legislative Document**

**No. 1962**

7 S. P. 839 In Senate, February 11, 1982  
Approved for introduction by the Legislative Council pursuant to  
Joint Rule 26.

Referred to the Committee on Public Utilities and ordered printed.  
Sent down for concurrence.

8 MAY M. ROSS, Secretary of the Senate  
Presented by Senator Trafton of Androscoggin.

9  
10 STATE OF MAINE  
11

12 IN THE YEAR OF OUR LORD  
13 NINETEEN HUNDRED AND EIGHTY-TWO  
14

15 AN ACT Relating to the Installation  
16 of Utility Poles.  
17

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

19 **Sec. 1.** 35 MRSA §2483, sub-§1, ¶A, sub-¶(2), as  
20 repealed and replaced by PL 1967, c. 262, §6, is amended to  
21 read:

22 (2) The municipal officers or their designees,  
23 when the public way is a city street or town way  
24 or a state or state aid highway in the compact  
25 areas of municipalities having a population over  
26 5,000;

27 **Sec. 2.** 35 MRSA §2483, sub-§14, as amended by PL 1971,  
28 c. 593, §22, is repealed and the following enacted in its  
29 place:

30 14. Appeals. Appeals from decisions shall be con-  
31 ducted in the following manner.

1 A. The licensing authority shall give notice of their  
2 decision to the applicant and to any person filing  
3 objections as soon as may be practicable.

4 B. Any person, firm or corporation aggrieved by a  
5 decision of the Department of Transportation or the  
6 county commissioners may appeal to the Superior Court  
7 in the manner provided in Title 23, sections 2063 to  
8 2066, relating to highways.

9 C. In case of cities and towns, the decision of the  
10 municipal officers or their designees shall be filed  
11 with the clerk of the city or town within one week from  
12 the date thereof. Within 2 weeks from the filing, any  
13 person aggrieved may appeal from their decision by  
14 filing notice of appeal with a copy of the original  
15 petition and adjudication with the clerk of the city or  
16 town and with the clerk of the board of county commis-  
17 sioners.

18 D. Once a person aggrieved files a notice of appeal of  
19 a revision made by a municipality, the municipal offi-  
20 cers may review a decision previously made by them to  
21 reconsider the issues involved, or they may act as a  
22 review board to evaluate a decision made by their des-  
23 ignees. The municipal officers are authorized to alter  
24 decisions during the 2-week appeal period specified in  
25 paragraph C, but the person aggrieved retains the ini-  
26 tiative to pursue the appeal if not satisfied with the  
27 altered decision.

28 E. The commissioners shall immediately entertain the  
29 appeal and give 2 weeks' notice of the time and place  
30 of hearing, which time shall be within 30 days from the  
31 time the appeal is filed. The hearing may be adjourned  
32 from time to time, not exceeding 30 days in all, and  
33 the commissioners shall file their decision within 30  
34 days from the time the hearing is closed and transmit a  
35 copy of the same to the applicant, any other parties to  
36 the appeal and to the clerk of the city or town, who  
37 shall immediately record it.

38 **Sec. 3. 35 MRSA §2483, sub-§16, as amended by PL 1971,**  
39 **c. 593, §22, is further amended to read:**

40 16. Agreement. The granting of a permit by the  
41 Department of Transportation, municipal officers or their  
42 designees or county commissioners, pursuant to this section,  
43 shall constitute an agreement between the utility and the  
44 State or political subdivision thereof.

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STATEMENT OF FACT

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This bill allows the municipal officers to designate an appropriate person to act on routine utility pole placements.

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