

MAINE STATE LEGISLATURE

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[SECOND NEW DRAFT.]

Sixty-Second Legislature.

HOUSE.

No. 180.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-FIVE.

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:*

SECTION 1. Every company incorporated for the
2 transmission of intelligence, heat, light or power
3 by electricity, and all persons and associations en-
4 gaged in such business, shall be subject to the
5 duties, restrictions and liabilities prescribed in this
6 act.

SECT. 2. No such company, person or associa-
2 tion shall construct lines upon and along the high-
3 ways and public roads of any city or town, without
4 first obtaining a written permit, signed by the

5 mayor and aldermen, or selectmen, specifying
6 where the posts may be located, the kind of posts,
7 and the height at which and the places where the
8 wires may run. Before granting such permit,
9 fourteen days' public notice thereof shall be given,
10 and residents and owners of property upon the
11 highways to be affected thereby, shall have full
12 opportunity to show cause why such permit should
13 not be granted. Such public notice shall be given
14 by publication in some newspaper printed in such
15 city or town, if any, the last publication to be
16 fourteen days before said hearing; if no newspaper
17 is printed therein, then by posting the same in
18 some public and conspicuous place therein fourteen
19 days before said hearing; when the application for
20 such permit is filed, the mayor, or chairman of
21 the selectmen shall indorse thereon what per-
22 sonal notice, if any, shall be given by such com-
23 pany, persons or associations, to the residents and
24 owners of property to be affected thereby. At the
25 hearing, such company, persons or associations,
26 before proceeding, shall first prove that such order
27 of notice has been complied with and public
28 notice given as hereinbefore required, and the
29 adjudication of the mayor and aldermen, or select-
30 men, that such personal and public notice has been

31 given shall be final and conclusive. If from any
32 cause the notice given appears to have been defec-
33 tive, the municipal officers may order new notice,
34 not exceeding seven days, and adjourn said hearing
35 to a time named in said new order of notice. After
36 the erection of the lines, having first given such
37 company, persons, associations or their agents
38 opportunity to be heard, the municipal officers
39 may direct any alteration in the location or erection
40 of such posts, and in the height of the wires. Such
41 permits, specifications and decisions shall be re-
42 corded in the records of the city or town.

SECT. 3. An owner of land near to or adjoining a
2 highway or road along which lines shall hereafter
3 be constructed, erected, or altered in location or
4 construction, by any company, person or association
5 if said owner's property is any way injuriously
6 affected or lessened in value, whether by occupation
7 of the ground or air, or otherwise, by such construc-
8 tion, alteration or location of any such line, whether
9 such owner is also the owner of the fee in such
10 way or not, may, within six months after such
11 construction, alteration or location, apply to the
12 mayor and aldermen, or selectmen, to assess and
13 appraise the damage. Before entering upon the
14 service, they shall severally be sworn to faithfully

15 and impartially perform the duties required of them
16 by this act. They shall, on view, make a just
17 appraisal, in writing, of the loss or damage, if
18 any, to the applicant, sign duplicates thereof, and,
19 on demand, deliver one copy to the applicant, and
20 the other to the company or its agent. If damages
21 are assessed, the company shall pay the same,
22 with the costs of the appraisers. If the appraisers
23 award that the applicant has suffered no damage,
24 he shall pay the costs of the appraisers. The
25 award and costs may be recovered in an action of
26 debt, if not paid in thirty days after written demand
27 therefor served upon the company or any of its
28 agents; the supreme judicial court for the county
29 shall have jurisdiction thereof, and full costs shall
30 be allowed. Before entering upon the discharge
31 of their duties under this section, such municipal
32 officers may require the applicant to advance to
33 them their fees for one day and from day to day
34 thereafter.

SECT. 4. Whoever desires to cut, disconnect or
2 remove the wires or poles of a telephone or electric
3 light company in order to move a building, alter,
4 repair or improve a street, bridge or way, or for
5 any other necessary purpose, shall leave a written
6 statement of the time when and the place where

7 such removal is desired, at its office if it has any
8 in that town, and if it has not, he shall send it by
9 mail to its nearest office three days before such
10 time; upon the expiration of which time, if such
11 removal is not made by the company, such person
12 may make the removal, and recover the cost thereof
13 in an action of debt.

SECT. 5. The mayor and aldermen and select-
2 men shall each receive, for services performed
3 under this act, two dollars a day.

SECT. 6. Either party aggrieved by the assess-
2 ment of damages, may, within twenty days after
3 the award, file in the office of the clerk of courts
4 for the county a copy of the award, with reasons
5 of appeal, a copy of which papers, attested by the
6 clerk, shall be served on the adverse party at least
7 fourteen days before the term of the supreme
8 judicial court for that county to be holden next
9 after the expiration of said fourteen days. After
10 entry, the matter shall be determined by a jury, or
11 by the court by agreement of parties, in the same
12 manner as other civil causes. If the company is
13 the appellant, and the award is not decreased, the
14 costs shall be paid by the company; if the appli-
15 cant appeals, and the award is not increased, the
16 costs shall be paid by the applicant.

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.

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 reimbursed by the company, persons, or associations owning such posts, wires, or apparatus.

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

7 the lines of the corporations so connecting, and
8 with the same charges for use of telephone ex-
9 changes as established for the patrons of such cor-
10 porations. Every corporation authorized by its
11 charter to grant telephone privileges, including the
12 leasing of instruments and other appliances, shall
13 grant such privileges upon equal and uniform terms
14 and conditions.

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

'SECT. 6. Whoever wilfully or maliciously in-
7 jures, removes or destroys any dam, reservoir,
8 canal, trench, or their appurtenances, or the gear
9 or machinery of a mill or manufactory; draws off
10 the water from a mill pond, canal or trench; de-
11 stroys or injures any engine or its apparatus for
12 the extinguishment of fire, or any posts, glass
13 caps, wires, or other material used in the construc-
14 tion and operation of a telegraph, telephone or
15 electric light line; removes, injures, or destroys
16 any public or toll bridge, or places any obstruction
17 on such bridge or on any public road, with intent
18 to injure persons or property passing thereon,

19 shall be punished by imprisonment for not more
20 than three years or by fine not exceeding five hun-
21 dred dollars.'

SECT. 11. Sections one, two and four of chapter
2 fifty of the Revised Statutes are hereby made ap-
3 plicable to persons or companies owning or using
4 telephone lines, wholly or partly in the State.

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

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 25, 1885. }

Reported from Committee on Judiciary, by Mr. HEATH; ordered
printed under joint rule.

NICHOLAS FESSENDEN, *Clerk.*