

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventy-first Legislature.

HOUSE.

No. 470

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THREE.

AN ACT to amend chapter 378 of the Public Laws of 1885,
regulating the erection of posts and lines for purposes of elec-
tricity.

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

Section 1. Section two of chapter three hundred seventy-
2 eight of the Public Laws of eighteen hundred eighty-five is
3 hereby amended by striking out the first six lines thereof and
4 inserting in place thereof the following: 'No such company,
5 person or association shall construct lines upon and along
6 highways and public roads, without first obtaining a written
7 permit. signed by the mayor and aldermen in case of cities,
8 the selectmen in case of towns, and the county commissioners

9 in case of plantations and unorganized townships, specifying
10 the kind of posts, where and how they shall be located and set,
11 and the height of the wire above the ground; and if the line
12 specified in the permit is a telephone line and is not con-
13 structed and public telephone service established in connection
14 therewith within eighteen months from the time the decision
15 is filed, the permit shall be void.'

Also by adding at the end of said section the following
17 words: 'In case of plantations and unorganized townships
18 any person or corporation interested may appeal from the de-
19 cision of the county commissioners to the supreme judicial
20 court in the manner provided in sections forty-eight, forty-
21 nine, fifty and fifty-one of chapter eighteen of the Revised
22 Statutes, relating to highways, and in case of cities and towns
23 as follows: The decision of the mayor and aldermen or the
24 selectmen shall be filed with the clerk of the city or town
25 within one week from their final hearing; and within two
26 weeks from such filing any person or corporation interested
27 may appeal from their decision by filing notice of appeal with
28 a copy of the original petition and adjudication with the clerk
29 of the city or town and with the clerk of the board of county
30 commissioners; the commissioners shall immediately enter-
31 tain such appeal and give two weeks public notice in a county
32 newspaper of the time and place of hearing, which time shall
33 be within thirty days from the time such appeal is filed; such
34 hearing may be adjourned from time to time, not exceeding
35 thirty days in all, and the commissioners shall file their
36 decision within thirty days from the time the hearing is closed,
37 and transmit a copy of the same to the clerk of the city or
38 town, who shall forthwith record it.'

Sect. 2. Said section is further amended to conform to sec-
2 tion one of this act, so that said section as amended shall read
3 as follows:

'Sect. 2. No such company, person or association shall construct lines upon and along highways and public roads, without first obtaining a written permit, signed by the mayor and aldermen in case of cities, the selectmen in case of towns, and the county commissioners in case of plantations and unorganized townships, specifying the kind of posts, where and how they shall be located and set, and the height of the wire above the ground; and if the line specified in the permit is a telephone line and is not constructed and public telephone service established in connection therewith within eighteen months from the time the decision is filed, the permit shall be void. 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 a county newspaper when the county commissioners are to act and in some newspaper printed in such city or town, if any, the last publication to be fourteen days before said hearing; if in a town and 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, personal notice, if deemed necessary, may be ordered by such officers and 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, selectmen or county commissioners 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, said officers may order new notice, not exceeding seven days, and adjourn said hear-

38 ing to a time named in said new order of notice. After the
39 erection of the lines, having first given all persons interested
40 an opportunity to be heard, such officers may direct any alter-
41 ation in the original permit. Such permits, specifications and
42 decisions shall be recorded in the records of the city, town or
43 county commissioners. In case of plantations and unorgan-
44 ized townships any person or corporation interested may ap-
45 peal from the decision of the county commissioners to the
46 supreme judicial court in the manner provided in sections
47 forty-eight, forty-nine, fifty and fifty-one of chapter eighteen
48 of the Revised Statutes, relating to highways, and in case of
49 cities and towns as follows: The decision of the mayor and
50 aldermen or the selectmen shall be filed with the clerk of the
51 city or town within one week from their final hearing; and
52 within two weeks from such filing any person or corporation
53 interested may appeal from their decision by filing notice of
54 appeal with a copy of the original petition and adjudication
55 with the clerk of the city or town and with the clerk of the
56 board of county commissioners; the commissioners shall im-
57 mediately entertain such appeal and give two weeks public
58 notice in a county newspaper of the time and place of hearing,
59 which time shall be within thirty days from the time such
60 appeal is filed; such hearing may be adjourned from time to
61 time, not exceeding thirty days in all, and the commissioners
62 shall file their decision within thirty days from the time the
63 hearing is closed, and transmit a copy of the same to the clerk
64 of the city or town, who shall forthwith record it.

Sect. 3. This act shall take effect May 1, 1903.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 19, 1903.

Reported by Mr. SHAW of Bath, from Committee on Railroads,
Telegraphs and Expresses, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*