

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-THIRD LEGISLATURE

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HOUSE.

No. 637

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## STATE OF MAINE.

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

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AN ACT to amend section nineteen, chapter fifty-five of the  
Revised Statutes, relating to the cutting and removal of wires  
and poles.

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

Section 1. Section nineteen of chapter fifty-five of the  
2 Revised Statutes is hereby amended by striking out all of  
3 said section after the word "purpose" in the fourth line  
4 thereof and inserting in its place the following: 'shall file  
5 a written application with the municipal officers of the city  
6 or town where such poles or wires are located containing a

7 statement of the time when and the place or places where  
8 such cutting, disconnecting or removal is desired. Said  
9 municipal officers shall order a hearing upon such application  
10 and order that notice thereof be given by the petitioner by  
11 leaving at the office of said company in said city or town a  
12 copy of such application and of the order of hearing thereon  
13 at least three days before the day appointed for said hearing,  
14 but if said company has no office in said town or city, then  
15 by mailing a copy of said application and the order of hearing  
16 thereon to its nearest office at least three days before said  
17 hearing. At said hearing said municipal officers shall hear  
18 all the parties interested and determine whether such appli-  
19 cation shall be granted or not, and if granted, they shall order  
20 said company to cut, disconnect or remove said wires or  
21 poles before the date named in said application, provided the  
22 same is at least three days after said hearing. They shall  
23 also determine and order whether the expense of cutting, dis-  
24 connecting or removing said wires or poles and repairing  
25 and replacing the same shall be paid by said petitioner or  
26 said company, or they may determine that said expense shall  
27 be divided between said company and said petitioner in such  
28 proportions as they may decide. If said company fails to  
29 comply with said order of the said municipal officers, then  
30 the petitioner may cut, disconnect or remove said wires and  
31 poles, and if the whole or any part of the expense of cutting,  
32 disconnecting or removing said wires or poles and repairing  
33 and replacing the same shall have been ordered by the munic-

34 ipal officers to be paid by said company, then the petitioner  
35 may recover the same of said company in an action of debt.  
36 If the company complies with the order of said municipal offi-  
37 cers, it may recover *of* the petitioner in an action of debt the  
38 whole or such part of the actual expenses incurred by it in  
39 cutting, disconnecting or removing said wires or poles and  
40 repairing and replacing the same as said municipal officers  
41 shall have ordered the petitioner to pay. Whoever cuts,  
42 disconnects or removes such wires or poles without first  
43 obtaining such order of the municipal officers therefor in  
44 accordance with the preceding provisions shall be fined not  
45 exceeding five hundred dollars or imprisoned not more than  
46 three years. For their services in connection with the pro-  
47 visions of this section the municipal officers shall each receive  
48 two dollars a day, to be paid by the person filing such written  
49 application.” So that said section as amended shall read as  
50 follows :

‘Sect. 19. Whoever desires to cut, disconnect or remove the  
52 wires or poles of a telegraph, telephone, electric light or  
53 street railroad company in order to move a building, alter,  
54 repair or improve a street, bridge or way, or for any other  
55 necessary purpose, shall file a written application with the  
56 municipal officers of the city or town where such poles or  
57 wires are located containing a statement of the time when  
58 and the place or places where such cutting, disconnecting or  
59 removal is desired. Said municipal officers shall order a  
60 hearing upon said application and order that notice thereof

61 be given by the petitioner by leaving at the office of said  
62 company in said city or town a copy of said application and  
63 of the order of hearing thereon at least three days before  
64 the day appointed for such hearing, but if said company has  
65 no office in said town or city, then by mailing a copy of said  
66 application and the order of hearing thereon to its nearest  
67 office at least three days before such hearing. At said hear-  
68 ing said municipal officers shall hear all the parties interested  
69 and determine whether such application shall be granted or  
70 not, and if granted, they shall order said company to cut,  
71 disconnect or remove said wires or poles before the date  
72 named in said application, provided the same is at least three  
73 days after said hearing. They shall also determine and  
74 order whether the expense of cutting, disconnecting or  
75 removing said wires or poles and repairing and replacing the  
76 same shall be paid by said petitioner or said company, or they  
77 may determine that said expense shall be divided between  
78 said company and said petitioner in such proportions as they  
79 may decide. If said company fails to comply with said order  
80 of said municipal officers, then the petitioner may cut, discon-  
81 nect or remove said wires or poles and if the whole or any  
82 part of the expense of cutting, disconnecting or removing  
83 said wires or poles and repairing and replacing the same  
84 shall have been ordered by the municipal officers to be paid  
85 by said company, then the petitioner may recover the same  
86 of said company in an action of debt. If the company com-  
87 plies with the order of said municipal officers, it may recover

88 of the petitioner in an action of debt the whole or such part  
89 of the actual expense incurred by it in cutting, disconnecting  
90 or removing said wires or poles and repairing and replacing  
91 the same as said municipal officers shall have ordered the  
92 petitioner to pay. Whoever cuts, disconnects or removes said  
93 wires or poles without first obtaining such order of the  
94 municipal officers therefor in accordance with the preceding  
95 provisions shall be fined not exceeding five hundred dollars  
96 or imprisoned not more than three years.'

Sect. 2. This act shall take effect when approved.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 19, 1907.

Reported by Mr. MONTGOMERY from Committee on Judiciary, and  
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*