

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 691

STATE OF MAINE.

HOUSE AMENDMENT A to House Document No. 530.

Strike out section 2 of the act as printed and add the following sections numbered 2, 3 and 4.

Section 2. Any party aggrieved by any order or decision of the municipal officers relating to the joint use or occupation of poles or by any of the regulations established by the municipal officers of said city or town relating to the joint use of poles, or by their decision as to his proportionate share of the original cost, or of maintaining any joint poles, or the annual rental for the use of the same, may appeal from such orders, decisions, or regulations of the municipal officers at any time within ten days after receipt of notice of the same by filing a complaint, in which the city or town and all interested parties shall be joined, with the clerk of the Supreme Judicial Court for the County in which said city or

15 town is located, at the term of the Supreme Judicial Court
16 next held in said county more than thirty days after receipt
17 of such notice, setting forth substantially the facts in the
18 case and the orders, decisions or regulations of the municipal
19 officers from which he appeals and in what respect he is ag-
20 grieved thereby.

 An attested copy of said complaint shall be served on all of
22 the parties thereto, except the appellant, more than fourteen
23 days previous to the return day of said term. The presiding
24 justice at the term of said court at which said complaint is
25 returnable shall appoint three disinterested persons, not resi-
26 dents of the city or town named in the complaint, who shall,
27 within thirty days after their appointment, after due notice
28 and hearing, affirm the orders and decisions of the municipal
29 officers, or amend or modify the same, or make new and fur-
30 ther orders, decisions and regulations governing such joint
31 use of such poles by any of the parties to the proceedings, or
32 in relation to the proportionate share of the expense to be
33 borne by each party using such joint poles, or the just and
34 fair rental therefor, and their report, which shall be filed with
35 the clerk of said court, upon being accepted by any justice
36 of said supreme judicial court in term time or in vacation,
37 shall be final and binding on all parties to the proceedings
38 except that questions of law arising under such proceedings
39 may be reserved for decision by the law court. Any person
40 affected by any order or decision of the municipal officers,
41 who is not joined in the original complaint, may, on petition

42 to the Supreme Judicial Court, be joined therein at any time
43 before hearing by the committee appointed under this sec-
44 tion.’

‘Sect. 3. The power and authority conferred on municipal
46 officers under the provisions of this act are in addition to
47 those vested in municipal officers under the provisions of
48 chapter fifty-five of the Revised Statutes; and nothing herein
49 contained shall be construed as giving to any party the right
50 of appeal from any of the decisions, specifications, orders or
51 permits, or alterations thereof, of the municipal officers un-
52 der the provisions of said chapter fifty-five.’

‘Sect. 4. The provisions of this act shall not apply to towns
54 of less than three thousand inhabitants.’

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 18, 1909.

Tabled pending adoption and ordered printed on motion of
Mr. WELD of Old Town.

E. M. THOMPSON, *Clerk.*