

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

# SEVENTY-FOURTH LEGISLATURE

---

---

SENATE.

No. 59

---

---

## STATE OF MAINE.

---

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

---

AN ACT to amend chapter fifty-five of the Revised Statutes relating to telegraph and telephone companies, gas and electric light and power companies.

---

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

Section 1. Section sixteen of chapter fifty-five of the revised statutes is hereby amended by prefixing thereto the following: 'All locations upon the highways and public roads of any city, town or plantation necessary for the purposes of any company, person or association chartered by special act of the legislature to make, generate, sell, distribute and supply electricity for lighting, heating, manufacturing, power or mechanical purposes, or for either or any of such purposes, are hereby granted. The municipal officers in the case of

10 cities and towns, and the county commissioners in the case of  
11 plantations and unorganized townships, shall designate in  
12 writing the highways and public roads to be so occupied, the  
13 places where the poles shall be located and set, and may es-  
14 tablish reasonable regulations as to the kind of poles, their  
15 construction and maintenance, the height of the wires, and  
16 the use of guard wires. Nothing in this chapter shall be so  
17 construed as to give the municipal officers in the case of cities  
18 and towns, or county commissioners in the case of plantations  
19 and unorganized townships, the power to refuse to designate  
20 some proper route over, upon and along the highways and  
21 public roads therein, to be so occupied by such company, per-  
22 son or association. Proceedings for obtaining such designa-  
23 tion, and the right of appeal of any person interested, shall  
24 be as provided for companies organized under the general  
25 laws of the State, by section seventeen of said chapter fifty-  
26 five, as amended by this act'; also by inserting after the  
27 word "incorporated" in the first line of said section, the words  
28 'under the general laws of the State'; also by inserting after  
29 the word "business" in the third line thereof, the words 'ex-  
30 cept as hereinbefore provided,' so that said section, as  
31 amended, shall read as follows:

'Section 16. All locations upon the highways and public  
33 roads of any city, town or plantation, necessary for the pur-  
34 poses of any company, person or association chartered by  
35 special act of the legislature to make, generate, sell, distribute  
36 and supply electricity for lighting, heating, manufacturing,

37 power and mechanical purposes, or for either or any of such  
38 purposes, are hereby granted. The municipal officers in the  
39 case of cities and towns, and the county commissioners in the  
40 case of plantations and unorganized townships, shall desig-  
41 nate in writing the highways and public roads to be so occu-  
42 pied, the places where the poles shall be located and set, and  
43 may establish reasonable regulations as to the kind of poles,  
44 their construction and maintenance, the height of the wires,  
45 and the use of guard wires. Nothing in this chapter shall be  
46 so construed as to give the municipal officers in the case of  
47 cities and towns, or county commissioners in the case of  
48 plantations and unorganized townships, the power to refuse  
49 to designate some proper route over, upon and along the  
50 highways and public roads therein, to be so occupied by such  
51 company, person or association. Proceedings for obtaining  
52 such designation, and the right of appeal of any person inter-  
53 ested, shall be as provided for companies organized under the  
54 general laws of the State, by section seventeen of said chap-  
55 ter fifty-five, as amended by this act.

Every company incorporated under the general laws of the  
57 State for the transmission of intelligence, heat, light or power  
58 by electricity, and all persons and associations engaged in  
59 such business, except as hereinbefore provided, shall be sub-  
60 ject to the duties, restrictions and liabilities prescribed in the  
61 following sections.'

Sect. 2. Section seventeen of chapter fifty-five of the re-  
2 vised statutes is hereby amended by adding at the end

3 thereof the following: 'Any person or corporation interested  
4 may appeal from the decision of the county commissioners to  
5 the supreme judicial court in the manner provided in sections  
6 fifty-two to fifty-five, both inclusive, of chapter twenty-three,  
7 relating to highways. Any person or corporation petition-  
8 ing for the designation of a location shall be deemed a party  
9 interested, and shall have the right of appeal as hereinbefore  
10 provided,' so that said section, as amended, shall read as fol-  
11 lows:

'Section 17. No such company, person or association shall  
13 construct lines upon and along highways and public roads,  
14 without first obtaining a written permit, signed by the mayor  
15 and aldermen in the case of cities, the selectmen in the case  
16 of towns, and the county commissioners in case of planta-  
17 tions and unorganized townships, specifying the kind of posts,  
18 where and how they shall be located and set, and the height  
19 of the wire above the ground; and if the line specified in the  
20 permit is a telephone line and is not constructed and public  
21 telephone service established in connection therewith within  
22 eighteen months from the time the decision is filed, the per-  
23 mit shall be void. Before granting such permit, fourteen  
24 days' public notice thereof shall be given and residents and  
25 owners of property upon the highways to be affected thereby,  
26 shall have full opportunity to show cause why such permit  
27 should not be granted. Such public notice shall be given by  
28 publication in a county newspaper when the county com-  
29 missioners are to act, and in some newspaper printed in such

30 city or town, if any, the last publication to be fourteen days  
31 before said hearing ; if in a town and no newspaper is printed  
32 therein, then by posting the same in some public and con-  
33 spicuous place therein fourteen days before said hearing.  
34 When the application for such permit is filed, personal notice,  
35 if deemed necessary, may be ordered by such officers, and  
36 shall be given by such company, person or association, to the  
37 residents and owners of property to be affected thereby. At  
38 the hearing such company, persons or associations, before  
39 proceeding, shall prove that such order of notice has been  
40 complied with and public notice given as hereinbefore re-  
41 quired, and the adjudication of the mayor and aldermen,  
42 selectmen or county commissioners that such personal and  
43 public notice has been given shall be final and conclusive.  
44 If from any cause the notice given appears to have been de-  
45 fective, said officers may order new notice, not exceeding  
46 seven days, and adjourn said hearing to a time named in said  
47 new order of notice. After the erection of the lines, having  
48 first given all persons interested an opportunity to be heard,  
49 such officers may direct any alteration in the original permit.  
50 Such permits, specifications and decisions shall be recorded  
51 in the records of the city, town or county commissioners.  
52 Posts and wires erected and maintained in accordance with  
53 the provisions of this section shall be deemed legal structures  
54 and the party maintaining the same shall be liable on ac-  
55 count thereof only for carelessness or negligence in the erec-  
56 tion or maintenance of the same. In case of plantations and

57 unorganized townships any person or corporation interested  
58 may appeal from the decision of the county commissioners to  
59 the supreme judicial court in the manner provided in sec-  
60 tions fifty-two, fifty-three, fifty-four and fifty-five of chapter  
61 twenty-three, relating to highways, and in case of cities and  
62 towns as follows: The decision of the mayor and aldermen or  
63 the selectmen shall be filed with the clerk of the city or town  
64 within one week from their final hearing; and within two  
65 weeks from such filing any person or corporation interested  
66 may appeal from their decision by filing notice of appeal  
67 with a copy of the original petition and adjudication with the  
68 clerk of the city or town and with the clerk of the board of  
69 county commissioners; the commissioners shall immediately  
70 entertain such appeal and give two weeks public notice in a  
71 county newspaper of the time and place of hearing, which  
72 time shall be within thirty days from the time such appeal is  
73 filed; such hearing may be adjourned from time to time, not  
74 exceeding thirty days in all, and the commissioners shall file  
75 their decision within thirty days from the time the hearing is  
76 closed, and transmit a copy of the same to the clerk of the  
77 city or town, who shall forthwith record it. Any person or  
78 corporation interested may appeal from the decision of the  
79 county commissioners to the supreme judicial court in the  
80 manner provided in sections fifty-two to fifty-five, both in-  
81 clusive, of chapter twenty-three, relating to highways. Any  
82 person or corporation petitioning for the designation of a lo-

83 cation shall be deemed a party interested, and shall have the  
84 right of appeal as hereinbefore provided.'

Sect. 3. The provisions of sections sixteen and seventeen  
2 of the revised statutes, as amended by this act, shall apply  
3 to all corporations heretofore or hereafter chartered by  
4 special act of the legislature to make, generate, sell, dis-  
5 tribute and supply electricity for lighting, heating, manufac-  
6 turing, power or mechanical purposes, or for either or any of  
7 such purposes.



STATE OF MAINE.

---

IN SENATE,

January 26, 1909.

Presented by Mr. HASTINGS of Oxford and on his motion  
tabled for printing pending reference to Committee on Judiciary.

F. G. FARRINGTON, *Secretary*.