

# MAINE STATE LEGISLATURE

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**EIGHTY-SECOND LEGISLATURE**

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**S. P. No. 486**

**S. D. No. 210**

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In Senate, Mar. 11, 1925.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Foster of Kennebec.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-FIVE

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AN ACT Granting to the State Highway Commission Control  
of Pipe and Pole Lines, Conduits, Dams and Other Similar  
Constructions, and Flowage on the Rights of Way of Public  
Highways.

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

Section 1. Any person or corporation, before constructing  
2 any pipe line, pole line, conduit, submarine cable or street  
3 railway track along or across the right of way of a public  
4 highway in the state; or before constructing a dam, sluice-  
5 way, gate, flume or other construction of similar nature, any  
6 portion of which lies within the right of way of a public  
7 highway, or because of which construction flowage over

8 any right of way shall result, shall submit to the state high-  
9 way commission a description and plan thereof, in such  
10 form and upon such blanks as may be directed and supplied  
11 by said commission, and shall obtain from said commission  
12 approval of the location and form of construction proposed.

Sect. 2. This act shall not apply to the construction of  
2 pipe lines, pole lines or conduits within the rights of way  
3 of public highways located within the compact portions of  
4 towns having over twenty-five hundred inhabitants, as de-  
5 fined by section twelve of chapter twenty-five of the revised  
6 statutes, except where such pole lines, pipe lines, or con-  
7 duits terminate at, or cross over or beneath a stream, river  
8 or other body of water over which a bridge having a clear  
9 span between abutments of six feet or over, is in existence.

Sect. 3. The state highway commission shall have the  
2 power to require a change in location, elevation or form of  
3 construction of any pipe line, pole line, conduits, submarine  
4 cable, street railway track, dam, sluiceway, gate flume or  
5 other construction of similar nature wholly or in part on the  
6 right of way of any public highway, built before this act  
7 becomes effective, if deemed necessary for the public inter-  
8 est because of highway improvement or relocation, and any  
9 location, elevation or form of construction approved by  
10 the commission under the provisions of this act shall be  
11 subject to such change as may be deemed necessary by the  
12 commission, and such change shall not constitute a claim  
13 for damages to any person or corporation having control

14 of such construction. In issuing an order for change in  
15 location, elevation or form of construction, the commission  
16 shall state the date by which such change shall have been  
17 completed, which date shall be not less than thirty days after  
18 the date of the order.

Sect. 4. Nothing in this act shall be construed as effecting  
2 any power of the public utilities commission, and within the  
3 compact portion of towns, as defined in section two, the  
4 municipal officers shall have all rights conferred by chapter  
5 sixty of the revised statutes, except those inconsistent with  
6 section two of this act.

Sect. 5. All acts and parts of acts inconsistent herewith  
2 are hereby repealed.