

# MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

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S. P. No. 512

S. D. No. 212

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In Senate, March 11, 1925.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Hinckley of Cumberland.

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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 Conferring Jurisdiction on the Public Utilities Commission on Appeal in All Cases of Petitions or Applications to the Municipal Officers of Towns or the County Commissioners, in the Case of Unorganized Townships or Plantations, Where a Public Utility Is a Party.

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

Section 1. In all cases of petitions or applications to the  
2 municipal officers of towns, or, in cases of unorganized  
3 townships or plantations, to the county commissioners hav-  
4 ing jurisdiction thereof, where a public utility is a party  
5 an appeal from any decision, order or award thereon may  
6 be made by any party thereto to the public utilities com-

7 mission. The decision, order or award shall be made with-  
8 ing fourteen days after hearing on said petition or appli-  
9 cation and shall be filed immediately with the town clerk  
10 or the clerk of the county commissioners, as the case may  
11 be. The appeal from such order, decision or award shall  
12 be made within thirty days after the same has been filed  
13 as aforesaid. A failure to appeal shall not bar the public  
14 utility from making a new application or petition.

Sect. 2. In all such appeals the appellant shall file his  
2 appeal in writing in the office of the public utilities com-  
3 mission, who shall appoint a day for hearing thereon, and  
4 the appellant shall give such notice thereof as said commis-  
5 sion deems reasonable and proper in order that all persons  
6 interested may have an opportunity to appear. After hear-  
7 ing the said commission shall make their decision thereon  
8 and shall cause a record thereof to be made and filed in the  
9 office of the town clerk or the clerk of the county com-  
10 missioners, as the case may be, where the original order,  
11 decision or award was filed in pursuance of the provisions  
12 of section one.

Sect. 3. On such appeals the public utilities commission  
2 shall determine and certify whether or not public necessity  
3 requires the action and such installation made in pursuance  
4 thereof as prayed for in said petition or application. Any  
5 person damaged in his property by the installations to be  
6 made in pursuance of the decision of the commission shall  
7 have a right to appear at said hearing and to have his dam-

8 ages assessed by said commission. Any person aggrieved  
9 by the assessment of damages by said commission may,  
10 within twenty days after the award, file in the office of the  
11 clerk of courts for the county a copy of the award with  
12 reasons for appeal, a copy of which papers, attested by the  
13 clerk, shall be served on the adverse party at least fourteen  
14 days before the term of the supreme judicial court for that  
15 county to be holden next after the expiration of said four-  
16 teen days. After entry the matter of damages shall be  
17 determined by a jury or by the court by agreement of par-  
18 ties in the same manner as other civil cases. If the public  
19 utility is the appellant and the award is not decreased the  
20 costs shall be paid by the utility; if any other party appeals  
21 and the award is not increased the costs shall be paid by the  
22 applicant.