

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 815**

S. P. 325

In Senate, February 18, 1953

Referred to the Committee on Public Utilities, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Haskell of Penobscot

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-THREE

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**AN ACT Relating to Regulation of Posts and Wires.**

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

**R. S., c. 46, § 31, amended.** Section 31 of chapter 46 of the revised statutes, as amended, is hereby further amended to read as follows :

**'Sec. 31. Permit to construct lines from municipal officers or county commissioners; lines so erected are legal structures; proceedings and right of appeal.** Except as hereinafter provided, no such company, person or association shall construct lines upon and along highways and public roads, without first making an application for and obtaining a written permit, signed by the municipal officers in case of cities, the selectmen in case of towns, and the county commissioners in case of plantations and unorganized townships, specifying the kind of ~~posts~~ **poles**, where and how they shall be located and set, and the height of the wire above the ground; and if the line specified in the permit is a telephone line and is not constructed and public telephone service established in connection therewith within 18 months from the time the decision is filed, the permit shall be void. Before granting such permit, 14 days' public notice thereof shall be given by posting a true copy of said application in some public and conspicuous place in the town concerned, and by publishing a true copy of said application at least once in some newspaper, if any, printed in the city concerned, or, if

no newspaper is printed in such city, then by posting a **true** copy of said application in some public and conspicuous place **in the city concerned**. During said period residents and owners of property upon the highways to be affected thereby may file written objections to the granting of such permit with the municipal officers or the board of selectmen of the city or town concerned. Upon receipt of such objections the municipal officers or the board of selectmen shall fix a time and place for a hearing so that such residents and owners of property shall have full opportunity to show cause why such permit should not be granted. **Fourteen days' public notice of such hearing shall be given, in the case of towns, by posting a true copy of the order of notice of hearing in some public and conspicuous place in the town concerned and, in the case of cities, by publishing a true copy of said order of notice of hearing at least once in some newspaper, if any, printed in the city concerned, or, if no newspaper is printed in such city, then by posting a true copy of said order of notice of hearing in some public and conspicuous place in the city concerned.** Such public notice shall be given by publication at least once in a county newspaper when the county commissioners are to act, said publication to be at least 14 days before said hearing. At the hearing such company, persons or associations, before proceeding, shall first prove that such order of notice **of the hearing** has been complied with and public notice **thereof** given as hereinbefore required, and the adjudication of the municipal officers, selectmen or county commissioners that such public notice has been given shall be final and conclusive. If from any cause the notice given appears to have been defective, said **municipal officers, selectmen or county commissioners**, may order new notice, not exceeding 7 days, and adjourn said hearing to a time named in said new order of notice. If no written objection is filed as hereinbefore provided for, the municipal officers in case of cities and the selectmen in case of towns shall issue their decision granting the permit, and if such **municipal officers or selectmen** fail to issue said decision within a period of 7 days after the expiration of said 14-day period for public notice, the town or city clerk is hereby authorized and shall forthwith issue such decision in behalf of such **municipal officers or selectmen**, which shall be deemed to be ~~their the decision of such officers~~. The adjudication of the municipal officers or the city clerk in case of cities or the selectmen or the town clerk in case of towns that such public notice has been given and no written objection filed shall be final and conclusive. After the erection of the lines, ~~having first given all persons interested an opportunity to be heard~~, such **municipal officers, selectmen or county commissioners** may, **after giving all persons interested an opportunity to be heard**, direct or approve any alteration from the original permit. **The provisions with re-**

spect to notice, filing objections and hearing applicable hereunder to original permits shall apply; provided, however, that no permit or alteration of an original permit shall be required for the relocation of a pole in approximately the same location or for the relocation of lines along highways and public roads when such relocation is necessitated by the construction or relocation of highways or public roads. Such permits, specifications and decisions shall be recorded in the records of the city, town or county commissioners. ~~Posts~~ **Poles** and wires heretofore erected, maintained and now in use by such company, person or association and ~~posts~~ **poles** and wires hereafter erected and maintained in accordance with the provisions of this section shall be deemed legal structures and the party maintaining the same shall be liable on account thereof only for carelessness or negligence in the erection or maintenance of the same. In case of plantations and unorganized townships any person or corporation interested may appeal from the decision of the county commissioners to the superior court in the manner provided in sections 56 to 59, inclusive, of chapter 79, relating to highways, and in case of cities and towns as follows: the decision of the municipal officers or the selectmen shall be filed with the clerk of the city or town within 1 week from the date thereof; and within 2 weeks from such filing any person or corporation interested may appeal from their decision by filing notice of appeal with a copy of the original petition and adjudication with the clerk of the city or town and with the clerk of the board of county commissioners; the commissioners shall immediately entertain such appeal and give 2 weeks' public notice in a county newspaper of the time and place of hearing, which time shall be within 30 days from the time such appeal is filed; such hearing may be adjourned from time to time, not exceeding 30 days in all, and the commissioners shall file their decision within 30 days from the time the hearing is closed, and transmit a copy of the same to the clerk of the city or town, who shall forthwith record it.'