

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 236

chapter 69,
public laws,
1906, fur-
ther
amended.
Treasurer
of state
shall cause
lists of as-
sessments
to be ad-
vertised.

hundred five, is hereby further amended, so as to read as follows:

'Section 42. When the legislature assesses such state tax, the treasurer of state shall, within three months thereafter, cause the lists of such assessments, together with the amounts of county tax on said lands so certified to him, both for the current year, to be advertised for three weeks successively in the state paper, and in some newspaper, if any, printed in the county in which the land lies, and shall cause like advertisement of the lists of such state and county taxes for the following year to be made within three months after one year from such assessment. Said lands are held to the state for payment of such state and county taxes, with interest thereon at the rate of twenty per cent to commence upon the taxes for the year for which such assessment is made at the expiration of six months and upon the taxes for the following year at the expiration of eighteen months from the date of such assessment.'

Approved April 2, 1909.

Chapter 236.

An Act to regulate the use of joint poles in the public streets by Electrical Companies.

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

Location of
joint poles
in public
streets may
be regulat-
ed by
municipal
officers.

Section 1. Whenever, after notice and hearing, the municipal officers of any city or town, in which any person, firm or corporation maintaining wires attached to poles located in any public street or way for conveying electric current or for the transmission of telephone or telegraph messages, determine that public safety and the public welfare require the same to be done, they may revoke any locations for poles already erected in any of the public streets or ways and order such poles removed, which shall be done within a reasonable time by the person, firm or corporation owning such poles, provided, however, other suitable locations, or the right to use other poles jointly, shall be granted by the municipal officers to such person, firm or corporation. The municipal officers of cities and towns are hereby empowered, whenever in their judgment the same is practical and can be done without unreasonably interfering with the operation of the business of any person, firm or corporation, to order, after due notice and hearing, the wires of any person, firm or corporation, used for conveying electrical current or the transmission of telephone or telegraph messages and

—may or-
der wires
to be re-
moved and
attached to
other poles.

attached to poles located in any of the public streets or ways of such city or town, to be removed and attached to such other poles, however owned and controlled, that are legally located in the public streets or ways, as said municipal officers may designate. Said municipal officers may establish such regulations as they deem necessary for the joint use of such poles, and in case the several parties so using such poles, cannot agree as to the proportionate share each shall bear of the original cost and of the cost of maintaining such poles, or a proper annual rental for the use of the same, the municipal officers may, after hearing the parties determine the proportional part of such expense each party shall justly bear, or a proper rental therefor, and the owner of such poles shall have an action on the case in assumpsit to recover of each party so using such poles his share of such expense, or the rental thereof, as determined by said municipal officers. All orders and decisions of the municipal officers under this act shall be in writing and a record thereof shall be made by the city or town clerk, and a copy thereof attested by the city or town clerk served upon any of the parties affected thereby shall be sufficient notice to the party so affected to render compliance therewith obligatory.

—may establish regulations for joint use of poles.

—orders and decisions shall be in writing and recorded.

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 other interested parties shall be joined, with the clerk of the supreme judicial court for the county in which said city or town is located, at the term of the supreme judicial court next held in said county more than thirty days after receipt of such notice, setting forth substantially the facts in the case and the orders, decisions or regulations of the municipal officers from which he appeals and in what respect he is aggrieved thereby. An attested copy of said complaint shall be served on all of the parties thereto, except the appellant, more than fourteen days previous to the return day of said term. The presiding justice at the term of said court at which said complaint is returnable shall appoint three disinterested persons, not residents of the city or town named in the complaint, who shall, within

Party aggrieved by any order of municipal officers may appeal to supreme judicial court.

—copy of complaint shall be served on all parties thereto.

—presiding justice shall appoint three disinterested persons,

CHAP. 237

whose orders and decisions shall be final and binding, except questions of law.

thirty days after their appointment, after due notice and hearing, affirm the orders and decisions of the municipal officers, or amend or modify the same, or make new and further orders, decisions and regulations governing such joint use of such poles by any of the parties to the proceedings, or in relation to the proportionate share of the expense to be borne by each party using such joint poles, or the just and fair rental therefor, and their report, which shall be filed with the clerk of said court, upon being accepted by any justice of said supreme judicial court in term time or in vacation shall be final and binding on all parties to the proceedings except that questions of law arising under such proceedings may be reserved for decision by the law court. Any person affected by any order or decision of the municipal officers, who is not joined in the original complaint, may, on petition to the supreme judicial court, be joined therein at any time before hearing by the committee appointed under this section. This act shall further not apply to long distance telephone wires, or lines of poles used for the support thereof. For the purpose of this act no wire shall be deemed to be a long distance telephone wire which does not extend twenty miles at least in a direct line from a central office.

—this act not to apply to long distance telephone wires, etc.

Power and authority conferred by this act are in addition to chapter 55, R. S.

Section 3. The power and authority conferred on municipal officers under the provisions of this act are in addition to those vested in municipal officers under the provisions of chapter fifty-five of the revised statutes; and nothing herein contained shall be construed as giving to any party the right of appeal from any of the decisions, specifications, orders or permits, or alterations thereof, of the municipal officers under the provisions of said chapter fifty-five.

Shall apply to cities of more than 40,000 inhabitants.

Section 4. The provisions of this act shall apply only to cities having a population of more than forty thousand inhabitants.

Approved April 2, 1909.

Chapter 237.

An Act to amend Section eighty-nine of Chapter four of the Revised Statutes, relating to right to take land for parks, squares and public libraries.

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

Section 89, chapter 4, R. S., amended.

Section eighty-nine of chapter four of the revised statutes is hereby amended by inserting after the word "squares" in the seventh line of said section the word 'playgrounds,' so that said section as amended shall read as follows: