

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1959

Chapter 50.

Electric and Gas Companies. Telegraph and Telephone Companies.

Transmission of Electric Power beyond State Prohibited.

Secs. 1-2. Repealed by Public Laws 1955, c. 402.

Organization of Telegraph, Telephone, Television, Electric and Gas Companies.

Sec. 7. Repealed by Public Laws 1955, c. 260.

Powers and Restrictions. Miscellaneous Provisions.

Sec. 11. Telegraph, telephone and television companies may pass along highways and across waters on route.

Source of installation rights.—Since the Public Laws of 1895, c. 102, §§ 5, 8, c. 103, § 4 (now, substantially, R. S. c. 1954, c. 50, §§ 11, 14, 37) the source of installation rights of utilities in public ways

without special charters is legislative by general grant with permits subject to the proper discretion of public officers. First Nat. Bank of Boston v. Maine Turnpike Authority, 153 Me. 131, 136 A. (2d) 699.

Sec. 12. Corporations may lay pipe lines.

Cited in First Nat. Bank of Boston v. Maine Turnpike Authority, 153 Me. 131, 136 A. (2d) 699.

Sec. 13. Water companies may lay pipes.

Cited in First Nat. Bank of Boston v. Maine Turnpike Authority, 153 Me. 131, 136 A. (2d) 699.

Sec. 14. Gas and electric companies may pass along highways.

Source of installation rights.—Since the Public Laws of 1895, c. 102, §§ 5, 8, c. 103, § 4 (now, substantially, R. S. c. 1954, c. 50, §§ 11, 14, 37) the source of installation rights of utilities in public ways

without special charters is legislative by general grant with permits subject to the proper discretion of public officers. First Nat. Bank of Boston v. Maine Turnpike Authority, 153 Me. 131, 136 A. (2d) 699.

Sec. 16. Before laying pipes and wires, corporation to obtain permit of municipal officers.

Cited in First Nat. Bank of Boston v. Maine Turnpike Authority, 153 Me. 131, 136 A. (2d) 699.

Sec. 17. Certain corporations authorized to place wires, pipes, cables, etc., under surface of streets, subject to permit from municipal officers.

Quoted in First Nat. Bank of Boston v. Maine Turnpike Authority, 153 Me. 131, 136 A. (2d) 699.

Sec. 18. Validity clause.

Quoted in First Nat. Bank of Boston v. Maine Turnpike Authority, 153 Me. 131, 136 A. (2d) 699.

Sec. 25. Poles, lines and fixtures so constructed as not to incommode public travel or interfere with ornamental trees.

Quoted in First Nat. Bank of Boston v. Maine Turnpike Authority, 153 Me. 131, 136 A. (2d) 699.

Sec. 27. Telegraph or telephone companies may connect with other lines; may take land as for public uses.

Stated in *First Nat. Bank of Boston v. Maine Turnpike Authority*, 153 Me. 131, 136 A. (2d) 699.

Sec. 28. Gas companies to furnish gas for power.

Cited in *First Nat. Bank of Boston v. Maine Turnpike Authority*, 153 Me. 131, 136 A. (2d) 699.

Regulation of Poles and Wires.

Sec. 36. Companies subject to duties and liabilities prescribed herein.

Cited in *First Nat. Bank of Boston v. Maine Turnpike Authority*, 153 Me. 131, 136 A. (2d) 699.

Sec. 37. Permit from municipal officers or county commissioners to construct lines; lines so erected are legal structures; proceedings and right of appeal.

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Sec. 40. Party aggrieved by assessment of damages may appeal; determination.—Either party aggrieved by the assessment of damages may, within 20 days after the award, appeal therefrom to the superior court. The appellant shall when the appeal is taken include in the complaint a statement setting forth substantially the facts of the case and shall give written notice of such appeal with a copy of the complaint to the opposite party. After entry, the matter shall be determined by a jury, or by the court by agreement of parties, in the same manner as other civil actions. If the company is the appellant and the award is not decreased, the costs shall be paid by the company. If the applicant appeals and the award is not increased, the costs shall be paid by the applicant. (R. S. c. 46, § 34. 1959, c. 317, § 23.)

Effect of amendment.—The 1959 amendment rewrote this section.

Effective date and applicability of Public Laws 1959, c. 317. — Section 420, chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all fur-

ther proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

Sec. 44. Revocation of location; new location; joint use of poles; apportionment of expenses; orders and decisions in writing; long distance telephone lines excepted.

Cited in *First Nat. Bank of Boston v. Maine Turnpike Authority*, 153 Me. 131, 136 A. (2d) 699.

Sec. 45. Party aggrieved may appeal to the superior court; appointment of committee and proceedings at hearing; acceptance of report.—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 the cost 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 10 days after service of notice of the same, to the superior court in the county. The appellant shall, when such appeal is taken, include in the complaint a statement setting forth substantially the facts of the case, and the orders, decisions or regulations of the municipal officers from which he appeals and in what respect he is aggrieved thereby; and shall give written notice of such appeal with a copy of the complaint to the opposite party. The presiding justice at the 1st term of said court shall appoint 3 disinterested persons, not residents of the city or town named in the complaint, who shall, within 30 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 the superior 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 superior court, be joined therein at any time before hearing by the committee appointed under the provisions of this section. (R. S. c. 46, § 39. 1959, c. 317, § 24.)

Effect of amendment.—The 1959 amendment rewrote the first and second sentences of this section.

Effective date of 1959 amendment.—See note to § 40.

Sec. 46. Power and authority conferred are additional.

Cited in *First Nat. Bank of Boston v. Maine Turnpike Authority*, 153 Me. 131, 136 A. (2d) 699.

Chapter 50-A.

Natural Gas Pipe Line Companies.

Sec. 1. Declaration of policy.—It is hereby declared that the business of transporting natural gas within the state by interstate or intrastate natural gas pipe line companies is affected with the public interest and that the health, safety and welfare of the inhabitants of the state require regulation in matters relating to the transportation of natural gas to the extent hereinafter provided. (1955, c. 127, § 3.)

Sec. 2. Power to construct and operate natural gas pipe line.—Any corporation organized under the laws of this state or of any other state or of the United States for the purpose of constructing and operating a natural gas pipe line, which corporation holds a certificate of public convenience and necessity issued under the provisions of the federal natural gas act approved June 21, 1938, as it now reads, or may hereafter be amended, authorizing such corporation to construct and operate a natural gas pipe line or pipe lines and appurtenant facilities within this state, is hereby authorized, upon compliance with all applicable provisions of this chapter, to purchase, hold and convey such real estate and personal property as shall be necessary for the purposes for which it was created. Corporations for the purpose of constructing and operating natural