

Maine Revised Statutes

Title 35-A: PUBLIC UTILITIES

Chapter 25: REGULATION OF FACILITIES IN THE PUBLIC WAY

§2516. PERMITS FOR MOVING BUILDINGS, CUTTING WIRES, REMOVING POLES; EXPENSES; DAMAGES

The following provisions apply to permits for moving buildings, cutting wires and removing poles. [1987, c. 141, Pt. A, §6 (NEW).]

1. Permit required to cut wires and remove poles. A person may not cut, disconnect or remove the wires or poles of a telephone or transmission and distribution utility in order to move a building, alter, repair or improve a street, bridge or way, or for any other purpose unless that person:

A. Applies in writing to the municipal officers of the municipalities in which changes or alterations of wires or poles are desired, or in which a building is to be moved; and [1987, c. 141, Pt. A, §6 (NEW).]

B. Receives a written permit from the officers. [1987, c. 141, Pt. A, §6 (NEW).]

[1999, c. 398, Pt. A, §38 (AMD); 1999, c. 398, Pt. A, §§104, 105 (AFF) .]

2. Hearings and notice. Upon receipt of the application, the municipal officers shall:

A. Fix a time and place for a hearing; and [1987, c. 141, Pt. A, §6 (NEW).]

B. Give reasonable notice of the hearing, including actual notice to any utility whose service may be interrupted or property interfered with. [1987, c. 141, Pt. A, §6 (NEW).]

[1987, c. 141, Pt. A, §6 (NEW) .]

3. Granting of permit and apportionment of expenses. Upon hearing, the municipal officers may grant a permit on such terms and conditions and make such apportionment of expenses as they determine best.

[1987, c. 141, Pt. A, §6 (NEW) .]

4. Permit for removal of wires or poles used by a utility for transmitting train orders or operating block signals. No wires or poles owned or used under contract by a utility for transmitting train orders or operating block signals may be cut, disconnected or removed unless:

A. The utility and the person desiring to cut, disconnect or remove the wires or poles first agree to the terms of the cutting, disconnection or removal; or [1987, c. 141, Pt. A, §6 (NEW).]

B. Upon application for a permit to the commission, actual notice to the utility and a hearing, the commission grants a permit authorizing the cutting, disconnection or removal. At the hearing, the commission may grant a permit on the terms and conditions and apportion the expense arising under the permit as it determines best. [1987, c. 141, Pt. A, §6 (NEW).]

[1987, c. 141, Pt. A, §6 (NEW) .]

5. Offense. Whoever disconnects or removes wires or poles or moves any building on or over a public way without first obtaining the permit or violates any of the conditions of the permit is guilty of unauthorized removal of poles.

[1987, c. 141, Pt. A, §6 (NEW) .]

6. Penalty. Unauthorized removal of poles is a Class D crime.

[1987, c. 141, Pt. A, §6 (NEW) .]

7. Damages. If a way or bridge is damaged by the moving of a building, the municipal officers shall determine what proportion of the damage the owner of the building shall pay, and this amount may be recovered by the municipality in a civil action against the owner of the building.

[1987, c. 141, Pt. A, §6 (NEW) .]

SECTION HISTORY

1987, c. 141, §A6 (NEW). 1995, c. 225, §10 (AMD). 1999, c. 398, §A38 (AMD). 1999, c. 398, §§A104,105 (AFF).

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