HOUSE DOCKET, NO. 1828 FILED ON: 1/20/2011

HOUSE . . . . . No. 1764

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Kane

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to injury caused by poles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael F. Kane	*5th Hampden*
Alice Hanlon Peisch	*14th Norfolk*
John W. Scibak	*2nd Hampshire*
James Arciero	*2nd Middlesex*
Kimberly N. Ferguson	*1st Worcester*
Matthew A. Beaton	*11th Worcester*
Donald F. Humason, Jr.	*4th Hampden*
James J. Lyons, Jr.	*18th Essex*

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HOUSE . . . . . No. 1764

By Mr. Kane of Holyoke, a petition (accompanied by bill, House, No. 1764) of Michael F. Kane and others relative to injuries caused by poles, wires, cables and other apparatus. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1513* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to injury caused by poles.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 42 of Chapter 166 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting at the end thereof the following new paragraphs:-

Upon the request of a public safety official of a city or town which has established a municipal lighting plant, a municipal lighting plant and its employees and contractors may remove, move or relocate any wire, cable, apparatus or pole belonging to any person or entity . Such municipal lighting plant and its employees and contractors shall not be liable in damages to any person injured in his person or property (including without limitation, the owner of the wire, cable, apparatus or pole) arising from or related to the removal, moving or relocation of said pole, wire, cable or other apparatus.

If such public safety official or municipal light plant employee notifies the owner of any wire, cable, apparatus or pole and requests the owner to remove, move or relocate same, and such owner does not respond within two hours, and in the case of an emergency as determined by such public safety official or municipal lighting employee, said municipal lighting plant may bill said owner for all costs incurred by the municipal lighting plant in effecting such removal, moving or relocation, including labor, materials and use of vehicles expended by the municipal lighting plant. Said owner shall pay such costs to the municipal lighting plant within 30 days of receipt of the invoice for same.