

**HOUSE . . . . . No. 4007**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul McMurtry***

*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 adoption of the accompanying bill:

An Act establishing a local option penalty on certain pole installation projects.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>6/29/2023</i>

**HOUSE . . . . . No. 4007**

By Representative McMurtry of Dedham, a petition (subject to Joint Rule 12) of Paul McMurtry for legislation to establish a local option penalty on certain utility pole installation projects. Telecommunications, Utilities and Energy.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act establishing a local option penalty on certain pole installation projects.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a local option penalty on certain pole installation projects, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

1 Chapter 164 of the General Laws is hereby amended by inserting after section 34B the  
2 following section:-

3 Section 34C. (a) In any city or town that accepts this section by vote of its legislative  
4 body, and with the approval of the mayor, if applicable, a distribution company or a telephone  
5 company engaging in the removal of an existing pole and the installation of a new pole in place  
6 thereof that does not complete the transfer of wires and all repairs, and remove the existing pole  
7 shall, for each day after 90 days from the date of installation of the new pole, or, for any  
8 approved commercial or industrial construction project where completion is expected to take

9 longer than 1 year, each day after 6 months has elapsed from the date of installation of the new  
10 pole, pay a fine of \$200 to the municipality in which the pole is located.

11 (b) The owner of any pole to be removed pursuant to this section shall notify all other  
12 pole users of the starting date of such removal and installation work at least 48 hours prior to the  
13 commencement of such work and require all users to remove timely from the poles their wiring  
14 and other attachments.

15 (c) Fines incurred pursuant to this section shall be recovered by indictment or on  
16 complaint before a district court or by noncriminal disposition in accordance with section 21D of  
17 chapter 40 or by any other means available in law or in equity.