

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Morrissey, Michael (SEN)**

*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 bill:

An Act relative to injury caused by poles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Morrissey, Michael (SEN)	Norfolk and Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S01950 OF 2007-2008.]

## **The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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### **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:*

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

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

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