

MAINE STATE LEGISLATURE

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New Draft of: S. P. 455, L. D. 1313

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1688

S. P. 549

In Senate, April 21, 1971

Reported by Senator Violette of Aroostook from Committee on Public Utilities and Printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Require Notice to Public Utilities of Certain Excavations.

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 23, § 3360, additional. Title 23 of the Revised Statutes is amended by adding a new section 3360 to read as follows:

§ 3360. Notice to public utilities

1. Streets and public highways. No person shall, except in an emergency, excavate in any street or public highway, unless at least 48 hours, exclusive of Saturdays, Sundays and legal holidays, prior to such excavation, written notice shall have been given to any public utility or sewer district supplying or furnishing gas, electricity, water, sewer or telephone service in the city or town in which such street or public highway is located, and to the municipal sewer or public works department in such city or town. Written notice shall also be given to railroads where such excavation in any street or public highway is also within the located right-of-way of the railroad. Such notice shall set forth the name of the street or route and contain a reasonably accurate description of the location of the proposed excavation. If such notice cannot be given because of an emergency, it shall be given as soon as practicable thereafter. Except in an emergency, copies of all such notices or a statement certifying that such notices were mailed or delivered to such public utilities, sewer district or municipal sewer or public works department, shall be filed with the officer or commission having charge of such street or public highway before any required permit to excavate shall be approved or issued by such officer or commission.

Nothing contained in this section shall be construed to affect or impair any statute or ordinance requiring permits for any excavations in a street or

public highway, except that no such permit shall be approved or issued, except in an emergency, until the applicant for such permit shall have filed the statement or copies of notices required by this section.

2. Rights-of-way, easements. Except for gardening or tilling the soil, no person other than an employee of a public utility, sewer district, municipal sewer or public works department owning or having the benefit of such right-of-way or easement, shall excavate in such right-of-way or easement unless he shall first have given notice to said public utility, sewer district or municipal sewer or public works department. Nothing in this section shall be construed as authorizing any person to excavate in any such right-of-way or easement without legal right.

3. Exceptions:

A. Nothing in this section shall apply to a public utility or sewer district, if written or verbal notice of the approximate location and time of such proposed excavations is given by such utility or district to a designated representative of said other utilities, districts, municipal sewer or public works departments prior to any excavation taking place.

B. Nothing in this section shall apply to construction contracts awarded by any public utility or sewer district supplying or furnishing gas, electricity, water, sewer or telephone service, or any federal, state, municipal or quasi-municipal government, or agency or commission thereof, and where a preconstruction conference is held with all interested parties.

4. Penalty. Whoever violates any provision of this section shall be punished by a fine of not less than \$50 nor more than \$100 for each offense.