

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 4

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND NINE.

AN ACT to Regulate the Digging Up of the Public Streets,
Ways or Highways in Cities and Towns.

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

Section 1. Any person or corporation desiring to do any.
2 digging in any manner whatsoever in any of the streets,
3 ways or highways of any city or town shall give the munici-
4 pal officers thereof at least twenty-four hours' notice before
5 commencing such work, except in cases of emergency.

Sect. 2. In cases of emergency the notice of at least
2 twenty-four hours required in section one of this act shall
3 not be required, but reasonable notice must be given the
4 municipal officers by the person or corporation before the
5 actual work of digging begins.

Sect. 3. It shall be the duty of the municipal officers
2 receiving either of said notices, to select an inspector experi-
3 enced in road work, whose duty it shall be to oversee the
4 removal of material during said digging and that the same
5 is returned properly and as expeditiously as possible, to
6 the end that the person or corporation shall leave the streets,
7 ways and highways in like good order and condition as the
8 same were before they commenced their work thereon.

Sect. 4. The said inspector shall receive for his services
2 the sum of three dollars per day for actual time used by
3 him in this work to be paid by the person or corporation
4 doing such digging.

Sect. 5. Any person or corporation found guilty on com-
2 plaint or indictment of a violation of this act or any part
3 thereof, shall be fined not less than fifty dollars nor more
4 than five hundred dollars and the proceedings to recover
5 the same shall be instituted by the county attorney; the
6 money so recovered to be forthwith paid to the treasurer
7 of the town or city wherein said violation occurred.

Sect. 6. Any person or corporation doing the digging
2 aforesaid shall be liable for any loss or damage which any
3 person may sustain by reason of any negligence or miscon-
4 duct of such person or corporation, his or its agents or
5 servants, during such work, or by reason of any obstruc-
6 tions or defects in any street or road of any city or town,
7 caused by the negligence of such person or corporation, his
8 or its agents or servants, and shall hold such city or town

9 harmless from any suits for such loss or damage; provided
10 such person or corporation shall have notice of any such
11 suit and shall be allowed to defend the same.

Sect. 7. In case any person or corporation doing said
2 digging shall refuse to comply with the regulations of this
3 act named or shall refuse to comply with any reasonable
4 request of said inspector as to the removal or return of said
5 material, the said inspector is hereby empowered to do the
6 work properly at the expense of the town or city wherein
7 said digging is done and for the money so expended, the
8 person or corporation so refusing as aforesaid, shall be
9 liable to said town or city in an action on the case, and this
10 liability is in addition to any and all penalties herein pre-
11 scribed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, January 20, 1909.

Tabled pending reference to a committee by Mr. HALL of Caribou
and ordered printed.

E. M. THOMPSON, *Clerk.*