

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND MCLEARY COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
1971

Chapter 284

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 state and state aid highway maintenance activities, or 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.

Effective September 23, 1971

Chapter 285

AN ACT Relating to the Retail Sale of Wine in Department Stores.

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

R. S., T. 28, § 9, amended. The first sentence of section 9 of Title 28 of the Revised Statutes, as enacted by section 53 of chapter 513 of the public laws of 1965 and as amended by section 2 of chapter 360 of the public laws of 1969, is further amended to read as follows:

Notwithstanding any other statute or rule or regulation of the commission to the contrary, no person, firm or corporation shall be denied a license for the retail sale of malt liquor or table wine solely because the retail store premises of the applicant has entrances, doorways or other apertures which are not securely and permanently sealed leading from the retail store premises of the applicant to other premises where other types of business are carried on, provided that the retail store premises of the applicant and the nonlicensed portions of the other premises are under a common roof ~~and all merchandising in the building is done on a single floor~~ having common entranceways into which all persons enter for both the proposed licensed premises and any unlicensed premises. ~~In the event the retail store is a department store, the store shall not be denied a license for the retail sale of wine or malt liquors by reason of their having a Class A restaurant license.~~

Effective September 23, 1971

Chapter 286

AN ACT Relating to Board of Examiners for the Examination of Applicants for Admission to the Bar and Applicants for Such Examination.

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

Sec. 1. R. S., T. 4, §§ 801, 802, 803, repealed and replaced. Section 801, section 802, as amended by section 1 of chapter 441 of the public laws of 1967,