

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1313

S. P. 455

In Senate, March 12, 1971

Referred to Committee on Public Utilities. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Moore of Cumberland.

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. 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 together with 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 and 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. 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.

STATEMENT OF FACT

The purpose of this bill is to require that any person excavating in streets and rights-of-way shall give advance notice, except in case of emergency, to public utilities serving in the area in order to prevent the disruption of underground mains or utility lines.