

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 795

S.P. 277

In Senate, January 28, 1999

An Act to Except Grading from Definition of Excavation in Dig Safe Law.

Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Representative JACOBS of Turner.

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

2

4 **Sec. 1. 23 MRSA §3360-A, sub-§1, ¶C**, as amended by PL 1997, c.
631, §1, is further amended to read:

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8 C. "Excavation" means any operation in which earth, rock or
10 other material below the ground is moved or otherwise
12 displaced, by means of power tools, power equipment or
14 explosives and including ~~grading~~, trenching, digging,
16 ditching, drilling, augering, tunneling, scraping and cable
or pipe driving, except tilling of soil and gardening or
displacement of earth, rock or other material for
agricultural purposes, and except installation and
maintenance of signs performed by the Department of
Transportation. "Excavation" does not include grading if
grading is the only activity being conducted.

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SUMMARY

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22 This bill allows an excavator to grade the surface of a road
or highway without having to get an excavation permit or comply
with the dig safe law if grading is the only activity performed
24 by the excavator.