

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 98

House of Representatives, Feb. 3, 1911.

Introduced in the Senate by Mr. Fulton of Sagadahoc, who moved its reference to the Committee on State Lands and State Roads. By Mr. Skehan of Augusta tabled in the House for printing and 500 copies ordered, pending reference to a committee.

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to regulate the Opening of Streets in Cities.

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

Section 1. Whenever the paving or repairing of any street
2 or public highway shall have been ordered by the City Coun-
3 cil it shall be the duty of the Commissioner of Public Works
4 or such officer as the City Government may appoint, to
5 duly serve upon such owners of property abutting on such
6 street or highway and all public service corporations occupy-
7 ing such street or highway, a notice directing such owners
8 and public service corporations to make such sewer, water
9 and conduit connections as may be designated within sixty

10 days from date of such notice. At the expiration of the time
11 fixed, and after such street has been paved or repaired, no
12 permit shall be granted to open such street for a period of
13 five years.

Sect. 2. That the Commissioner of Public Works or such
2 officer as the City Government may appoint shall have power
3 and authority to grant and renew permits for digging or
4 making excavations in the driveways of any of the public
5 highways of the city for the laying of gas, water, steam or
6 ammonia pipes, or conduits, or for any other lawful purpose.
7 Every such permit shall specify the time prescribed by reso-
8 lution or ordinance, or when no time is prescribed, the Com-
9 missioner of Public Works or such officer as the City Gov-
10 ernment may appoint, shall specify a time during which said
11 excavation may remain open; the place where such excava-
12 tion may be made and the number of square yards of surface
13 which may be disturbed.

Sect. 3. Any person or persons, firms or corporations, who
2 shall dig or make an excavation in the driveway of any public
3 highway without first obtaining such permit as aforesaid or
4 who having obtained such permit shall disturb a greater area
5 of surface than specified in such permit, shall on conviction,
6 pay a fine or penalty of twenty-five dollars for each and
7 every offense.

Sect. 4. That the Commissioner of Public Works or such
2 officer as the City Government may appoint shall keep a
3 record of all permits granted by him and shall, before grant-

4 ing the same, (work done by the city employees excepted)
5 have the applicant pay to the city treasurer the following
6 fees, to wit: for every permit for making an excavation
7 within the driveways of any public highway paved with
8 broken stone, brick, Hassam, or Bitulithic, shall be as fol-
9 lows: for wood block, brick pavement or Bitulithic, four
10 dollars per square yard, and all other pavements two dollars
11 and fifty cents per square yard. All such fees paid to the
12 City Treasurer shall be regularly accounted for by him in his
13 report to the City Council. Said money shall be put in a
14 special fund for the repaving of said cuts, and when such
15 cuts are repaired by the Street Department, the cost thereof
16 shall be charged to said fund.

Sect. 5. It shall not be lawful for any person or persons,
2 firms or corporations having the right of opening or making
3 excavations within the driveways of the public highways in
4 the city, to leave open at any time any trench or excavation
5 of a greater length than two hundred feet; and it shall be the
6 duty of such person or persons, firms or corporations fully
7 and completely to fill up such trench to the surface of the bed
8 upon which the pavement is to be relaid, before making any
9 further trench or excavation; said filling up to be puddled and
10 rammed as the nature of the soil may require, and to be done
11 and completed within the time designated in the permit for
12 completing such trench or excavation; and that any person
13 or persons, firms or corporations, failing to comply with the
14 requirements or infringing on the prohibitions of this section,

15 shall forfeit and pay for each and every offense a fine of fifty
16 dollars, provided, that these requirements, prohibitions and
17 penalties shall not apply to excavations in grading, building
18 or repairing any of the public highways under the super-
19 vision of the city authorities.

Sect. 6. It shall be the further duty of such person or per-
2 sons, firms or corporations, to protect the paving on either
3 side of the opening by the use of sheet piling or such other
4 means as will prevent the escape of sand from underneath it,
5 and in the determining of the number of square yards of
6 paving disturbed, there shall be included such area of paving
7 adjoining the trench actually opened, as will in the opinion of
8 the Commissioner of Public Works or such officer as the City
9 Government may appoint, be required to be taken up and
10 relaid by reason of such failure to properly protect the same.

Sect. 7. If the work or any part thereof mentioned in the
2 preceding sections of repairing or filling the trenches or ex-
3 cavations aforesaid, shall be unskillfully or improperly done,
4 it shall be lawful for the Commissioner of Public Works or
5 such officer as the City Government may appoint, forthwith
6 to cause the same to be skillfully and properly done, and to
7 keep an account of the expense thereof; and in such case
8 such person or persons, firms or corporations, in default as
9 aforesaid, shall forfeit and pay a penalty equal to the whole
10 of the said expense incurred by the said Commissioner of
11 Public Works or such officer as the City Government may
12 appoint, with an addition of fifty per centum; and, thereafter,

13 that is to say, upon the completion of the work and the de-
14 termination of the cost thereof, the said Commissioner of
15 Public Works or such officer as the City Government may
16 appoint, shall issue no further or new permit to any person
17 or persons, firms or corporations so in default, until he shall
18 receive in addition to the fees herein above provided, the
19 amount of the penalty as by this section of this ordinance
20 provided and determined.

Sect. 8. That when any excavation shall be made in any
2 paved public highway and the trench shall have been filled
3 as required by this ordinance it shall be the duty of the Com-
4 missioner of Public Works or such officer as the City Gov-
5 ernment may appoint to relay the pavement; the cost thereof,
6 including materials, labor and inspection, to be paid out of
7 any moneys in the city treasury standing to the credit of the
8 regular fund for this purpose.

Sect. 9. The party applying for a permit for said excava-
2 tion must file a map or sketch with the Commissioner of
3 Public Works or such officer as the City Government may
4 appoint showing the location and size of cuts to be made.

Sect. 10. That when any excavation shall be made in any
2 paved public highway, and said pavement is repaired by a
3 contractor or the Commissioner of Public Works or such
4 officer as the City Government may appoint, it shall be the
5 duty of the Commissioner of Public Works or such officer as
6 the City Government may appoint where said pavements are
7 laid on a concrete base, to have the concrete cut back on each

8 side of the ditch a distance of eight inches, and in issuing
9 the permits for cutting the pavements, this extra width shall
10 be charged to the person applying for the same.

Sect. 11. That all other acts and parts of acts inconsistent
2 herewith are hereby repealed.

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