

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 275

House of Representatives, Feb. 16, 1911.

Reported by Mr. Deering from Committee on State Lands and State Roads and ordered printed under joint rules.

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 duly
5 serve upon such owners of property abutting on such street
6 or highway and all corporations, persons, firms, bridge or
7 water districts occupying such street or highway, a notice
8 directing such owners, corporations, persons, firms, bridge or
9 water districts, to make such sewer, water, and conduit con-
10 nections or other work, as may be designated, within sixty
11 days from date of such notice. At the expiration of the

12 time fixed, and after such street has been paved or repaired,
13 no permit shall be granted to open such street for a period
14 of five years except as hereinafter provided.

Permits.

Sect. 2. Provided that owners, corporations, persons, firms,
2 bridge or water districts shall have complied with notice as
3 set forth in section one, then the Commissioner of Public
4 Works, or such officers as the City Government may appoint,
5 shall have power and authority in the case of an emergency
6 to grant and renew permits for digging or making excava-
7 tions in the driveways of any of the public highways of the
8 city for the laying of gas, water, steam or ammonia pipes or
9 conduits, or for any other lawful purpose. Every permit
10 shall specify the time prescribed by resolution or ordinance,
11 or when no time is prescribed the Commissioner of Public
12 Works or such officer as the City Government may ap-
13 point, shall specify a time during which said excavation may
14 remain open, the place where such excavation may be made
15 and the number of square yards of surface which may be
16 disturbed.

Penalty.

Sect. 3. Any person or persons, firms, corporations, bridge
2 or water districts, who shall dig or make an excavation in the
3 driveway of any public highway without first obtaining such
4 permit as aforesaid, or who having obtained such permit shall
5 disturb a greater area of surface than specified in such per-

6 mit, shall, on conviction, pay a fine or penalty of twenty-five
7 dollars for each and every offense.

Fees.

Sect. 4. That the Commissioner of Public Works or such
2 officer as the City Government may appoint, shall keep a rec-
3 ord of all permits granted by him, and shall, before granting
4 the same, (work done by the city employees excepted) have
5 the applicant pay to the city treasurer the following fees, to
6 wit: For every permit for making an excavation within the
7 driveways of any public highway paved with broken stone,
8 granite block, wood block, brick, Hassam, Bitulithic or other
9 permanent pavement, shall be as follows: For Bitulithic,
10 brick or wood block pavement, four dollars per square yard;
11 and for all other pavements two dollars and fifty cents per
12 square yard. All such fees paid to the City Treasurer shall
13 be regularly accounted for by him in his report to the City
14 Council. Said money shall be put in a special fund for the
15 repaving of said cuts, and when such cuts are repaired by
16 the street department the cost thereof shall be charged to said
17 fund.

Length of openings.

Sect. 5. It shall not be lawful for any person or persons,
2 firms, corporations, bridge or water districts, having the
3 right of opening or making excavations within the driveways
4 of public highways in the city, to leave open at any time any
5 trench or excavation of a greater length than two hundred
6 feet, except by permission of the officer granting such per-

7 mits; and it shall be the duty of such person or persons,
8 firms, corporations, bridge or water districts, fully and com-
9 pletely to fill up such trench to the surface of the bed upon
10 which the pavement is to be relaid, before making any fur-
11 ther trench or excavation; said filling up to be puddled or
12 rammed as the nature of the soil may require, and to be done
13 and completed within the time designated in the permit for
14 completing such trench or excavation; and that any person or
15 persons, firms, corporations, bridge or water districts, failing
16 to comply with the requirements, or infringing on the pro-
17 hibitions of this section, shall forfeit and pay for each and
18 every offense a fine of fifty dollars, provided, that these re-
19 quirements, prohibitions and penalties shall not apply to ex-
20 cavations in grading, building or repairing any of the public
21 highways under the supervision of the city authorities.

Sect. 6. It shall be the further duty of such person or per-
2 sons, firms, corporations, bridge or water districts, to protect
3 the paving on either side of the opening by the use of sheet
4 piling or such other means as will prevent the escape of sand
5 from underneath it, and in determining the number of square
6 yards of paving disturbed, there shall be included such area
7 of paving adjoining the trench actually opened, as will in the
8 opinion of the Commissioner of Public Works or such officer
9 as the city government may appoint, be required to be taken
10 up and relaid by reason of such failure to properly protect
11 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 skilfully and properly done, and to
7 keep an account of the expense thereof; and in such case
8 such person or persons, firms, corporations, bridge or water
9 districts, in default as aforesaid, shall forfeit and pay a pen-
10 alty equal to the whole of said expense incurred by said Com-
11 missioner of Public Works or such officer as the city govern-
12 ment may appoint, with an addition of fifty per centum; and
13 thereafter, that is to say, upon the completion of the work
14 and the determination of the costs thereof, the said Commis-
15 sioner of Public Works or such officer as the city government
16 may appoint, shall issue no further or new permit to any per-
17 son or persons, firms, corporations, bridge or water districts
18 so in default, until he shall receive in addition to the fees
19 herein above provided, the amount of the penalty as by this
20 section of this ordinance 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 as
3 required by this act, it shall be the duty of the Commissioner
4 of Public Works or such officer as the city government may
5 appoint, to relay the pavement; the cost thereof, including
6 materials, labor and inspection, to be paid out of any moneys
7 in the city treasury standing to the credit of the regular fund
8 for this purpose.

Sect. 9. The party applying for a permit for said excavation must file a map or sketch with the Commissioner of Public Works or such officer as the city government may appoint, showing the location and size of cuts to be made.

Sect. 10. That when any excavation shall be made in any paved public highway and said pavement is repaired by a contractor or the Commissioner of Public Works or such officer as the city government may appoint, it shall be the duty of the Commissioner of Public Works or such officer as the city government may appoint, where said pavements are laid on a concrete base, to have the concrete cut back on each side of the ditch a distance of eight inches, and in issuing the permits for cutting the pavements, this extra width shall be charged to the person applying for the same.

Sect. 11. That all acts or parts of acts inconsistent with this act shall be and the same are hereby repealed.