

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 366

H. P. 617

House of Representatives, February 9, 1943.

Reported by Mr. Donahue from Committee on Legal Affairs and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Relating to Permits by Cities and Towns to Pipe Line Companies.

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

Sec. 1. R. S., c. 68, amended. Chapter 68 of the revised statutes is hereby amended by inserting therein after section 11 thereof 2 new sections as follows:

‘Sec. 11-A. Corporations may lay pipe lines. Every corporation organized under the general laws of the state and owning, controlling, operating or managing any pipe line within or through this state for the transportation as a common carrier for hire of oil, gas, gasoline, petroleum or any other liquids or gases may lay its pipe lines and construct and maintain the same in, along and under the roads and streets in any city or town, subject, however, to the conditions and under the restrictions provided in this chapter.’

‘Sec. 11-B. Water companies may lay pipes. Every water company organized under the general law of this state and authorized to do a public utility business in this state may lay its pipes in and under the roads and streets in any city or town in which it is authorized to supply water or through which it is necessary or convenient to lay the same to conduct water from its source of supply to enable it to render such service, subject,

however, to the conditions and under the restrictions provided in this chapter.'

Sec. 2. R. S., c. 68, § 14, amended. Section 14 of chapter 68 of the revised statutes is hereby amended to read as follows:

'**Sec. 14. Telegraph, telephone, gas, water, pipe line, electric light, heat, and power corporations authorized to place wires, pipes and cables under surface of streets, subject to permit from municipal officers.** Telegraph, telephone, gas, water, pipe line, electric light, heat, or power companies chartered by special act of legislature or organized under the general laws of the state, and all such companies, wherever chartered or organized, engaged in the business of transmitting intelligence, heat, light, or power by electricity, or of transporting or distributing water as a public utility, or of transporting oil, gas, gasoline, petroleum or any other liquids or gases as a common carrier for hire, or of furnishing gas for light, heat, or power, may, in any city or town, place their pipes, wires and cables and all conduits and other structures for conducting and maintaining such pipes, wires and cables under the surface of those streets and highways in which such companies are empowered to obtain locations for their pipes, poles, and wires; subject, however, to the written permit thereof of the municipal officers of such city or town, and subject also to such rules and regulations as to location and construction as such municipal officers may designate in their permit. Proceedings for obtaining such permit shall be had in accordance with the provisions of sections 27 to 33, both inclusive of this chapter relating to the location of posts and wires in public ways. But permits to open streets and highways for the purpose of relaying or repairing such pipes, wires, cables, conduits, and other structures may be granted without notice.'

Sec. 3. R. S., c. 27, § 119, amended. Section 119 of chapter 27 of the revised statutes is hereby amended to read as follows:

'**Sec. 119. Permits for digging or making excavations in case of emergency.** If the owners, corporations, persons, firms, bridge or water districts comply with the notice given under the preceding section, the commissioner of public works, or such officer as the city government may appoint, may, in the case of an emergency, grant and renew permits for digging or making excavations in the driveways of any of the public highways of the city for the laying of gas, water, steam, oil, gasoline, petroleum or any other liquid or ammonia pipes or conduits, or for any other lawful purpose. Every permit shall specify the time prescribed by resolution or ordinance, or when no time is prescribed, the commissioner of public works

or such officer as the city government may appoint, shall specify a time during which said excavation may remain open, the place where such excavation may be made and the number of square yards of surface which may be disturbed.'

Sec. 4. Permits heretofore granted validated. All permits heretofore granted to any corporation constructing, owning, controlling, operating or managing any pipe line within or through the state for the transportation as a common carrier for hire of oil, gas, gasoline, petroleum or other liquids or gases, by the municipal officers of any city or town, to locate, lay, construct or maintain its pipes in, along, or under the roads and streets of any such city or town, or by the commissioner of public works or other officer duly appointed by the city government of any city to dig or make excavations in the driveways of any of the public highways of such city, are hereby validated and shall have the same force and effect as if this act had been enacted and in full force and effect at the time of the granting thereof.