

MAINE STATE LEGISLATURE

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N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 1088

H. P. 1416

House of Representatives, March 30, 1945.

Reported by Mr. Warren 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-FIVE

**AN ACT Relating to Permits for Digging Into and Opening Streets and
Highways.**

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

Sec. 1. R. S., c. 84, § 114, amended. Section 114 of chapter 84 of the revised statutes is hereby amended to read as follows :

'**Sec. 114. Penalty.** Any person or persons, firm, corporation, or bridge or water district, who shall dig or make an excavation in the driveway of any public highway without first obtaining such permit as provided for in the preceding section or who having obtained such permit shall disturb a greater area of surface than specified in such permit, ~~shall~~ **may** be punished by a fine of \$25 for each offense.'

Sec. 2. R. S., c. 84, § 115, amended. Section 115 of chapter 84 of the revised statutes is hereby amended to read as follows :

'**Sec. 115. A record of all permits to be kept; fees for excavation permits.** The commissioner of public works, or such officer as the city government may appoint, shall keep a record of all permits granted by him, ~~and before any permit is granted~~ work done by the city employees excepted ~~the~~. The applicant shall pay to the city treasurer for every permit for making an excavation within the driveways of any public highway paved with broken stone, concrete, bitulithic, granite block, brick, wood block, sheet

asphalt, or other pavements the following fees: for sheet asphalt, wood block, brick, and granite block, all on concrete base, \$6 per square yard; for granite block on gravel base, bitulithic, and concrete, \$3.50 per square yard; ~~and~~ for broken stone and ~~all~~ other **similar** pavements, \$2.50 per square yard; **for bituminous surface, treated gravel or untreated surface, \$1, per square yard; and for untreated shoulder, 50c per square yard for any amount not exceeding 50 square yards, plus actual cost of repairs for any amount exceeding 50 square yards.** All such fees paid to the city treasurer shall be regularly accounted for by him in his report to the city government, and shall constitute a special fund for the repaving of said cuts; when such cuts are repaired by the street department, the cost thereof shall be charged to said fund.

Sec. 3. R. S., c. 84, § 116, amended. The 1st sentence of section 116 of chapter 84 of the revised statutes is hereby amended to read as follows:

'It shall be unlawful for any person or persons, firm, corporation, or bridge or water district, having the right of opening or making excavations within the driveways of public highways in the city, to leave open at any time any trench or excavation of a greater length than 200 feet, except by permission of the officer granting such permit; and such person or persons, firm, corporation, or bridge or water district shall fully and completely fill up such trench to the surface of the ~~bed upon which the pavement is to be~~ **re-laid roadway**, before making any further trench or excavation; such filling shall be puddled or rammed as the nature of the soil may require, and shall be done and completed within the time designated in the permit for completing such trench or excavation; any person or persons, firm, corporation, or bridge or water district, failing to comply with the requirements, or infringing on the prohibitions of this section, ~~shall~~ **may** be punished by a fine of \$50 for each offense; provided that these requirements, prohibitions, and penalties shall not apply to excavations in grading, building, or repairing any of the public highways under the supervision of the city authorities.'

Sec. 4. R. S., c. 20, § 10, amended. Section 10 of chapter 20 of the revised statutes is hereby amended to read as follows:

'**Sec. 10. Certain provisions shall be enforced by commission.** The provisions of section 18 of chapter 46 and of sections 112 to 120, inclusive, of chapter 84, relating to the repair of ways dug into, ~~may~~ **shall** be enforced by the commission wherever ~~state or state aid~~ **highways maintained by the state** are affected.'