

MAINE STATE LEGISLATURE

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NINETY - THIRD LEGISLATURE

Legislative Document

No. 404

S. P. 165

In Senate, January 31, 1947.

Referred to Committee on Ways and Bridges. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Dunbar of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

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, § 115, amended. Section 115 of chapter 84 of the revised statutes as amended by section 2 of chapter 250 of the public laws of 1945 is hereby further 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, work done by the city employees excepted. 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; for broken stone and 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~~ plus 25c per square yard 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. 2. R. S., c. 46, § 18, repealed and replaced. Section 18 of chapter 46 of the revised statutes as amended by section 6 of chapter 293 of the public laws of 1945 is hereby repealed and the following enacted in place thereof:

'Sec. 18. Permits to specify time and place of opening. Every permit for digging up and opening streets, roads and highways granted under the foregoing sections shall specify the time during which said streets, roads or highways may remain open, the place where such opening may be made and the number of square yards of surface which may be disturbed.

Sec. 18-A. Penalty. Any such corporation which shall dig or make an excavation in the driveway of any street, road or highway without first obtaining such permit as provided in the preceding section, or which having obtained such permit shall disturb a greater area of surface than specified in such permit may be punished by a fine of \$25 for each offense.

Sec. 18-B. Fees for excavation permits. The applicant shall pay to the treasurer of the city or town granting such permit for every permit for making an excavation within the driveway of any street or highway paved with broken stone, concrete, bitulithic, granite blocks, brick, wooden blocks, sheet asphalt or other pavements the following fees: for sheet asphalt, wooden blocks, brick and granite blocks all on concrete base, \$6 per square yard; for granite blocks on gravel base, bitulithic and concrete, \$3.50 per square yard; for broken stone and other similar pavements, \$2.50 per square yard; for bituminous surface, treated gravel or untreated surface, \$1 per square yard; for untreated shoulder, 50c per square yard for any amount not exceeding 50 square yards plus 25c per square yard for any amount exceeding 50 square yards. All such fees shall be regularly accounted for and shall constitute a special fund for the repaving of said cuts.

Sec. 18-C. Unlawful to leave trench or excavation open; penalty; pavement to be protected on either side of opening. Any such corporation opening a street, road or highway pursuant to such permit shall fully and completely fill up such opening in the surface of the street, road or highway. 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 allowing said opening. Any such corporation failing to comply with the requirements of this section may be punished by a fine of \$50 for each offense. Such corporations shall protect the paving on either side of the opening by the use of sheet piling or such other means as will prevent the escape of sand from underneath it. In determining the number of square yards of paving disturbed, there shall be included such area of paving adjoining the trench actually opened as will, in the opinion of the commissioner of public works or such officer as the municipal officers may appoint, be required to be taken up and relaid by reason of such failure to properly protect the same.

Sec. 18-D. Work of repairing or filling trenches to be skillfully done; penalty. If the work of repairing or filling openings mentioned in sections 18 to 18-C, inclusive, shall be unskillfully or improperly done, the commissioner of public works, or such officer as the municipal officers may appoint, may forthwith cause the same to be skillfully and properly done and shall keep an account of the expenses thereof, and in such case such corporation in default as aforesaid shall forfeit and pay a penalty equal to the whole of said expense incurred by said city or town with an addition of 50%, and thereafter upon the completion of the work and the determination of the costs thereof said city or town shall issue no further or new permit to any corporation so in default until it shall receive, in addition to the fees provided in section 18-B, the amount of the penalty as by this section provided and determined.

Sec. 18-E. Relaying of pavements. When any excavation shall be made in any paved street, road or highway and the opening shall have been filled as required by the 2 preceding sections, the city or town in which the opening occurred shall relay the pavement and the cost thereof including materials, labor and inspection shall be paid out of any funds standing to the credit of the special fund for this purpose.'

Sec. 3. R. S., c. 20, § 10, repealed and replaced. Section 10 of chapter 20 of the revised statutes as amended by section 4 of chapter 250 of the public laws of 1945 is hereby repealed and the following enacted in place thereof:

'Sec. 10. Rights granted commission in connection with highway openings. Wherever highways maintained by the state are affected, whether said highways are situated in cities, in towns or in plantations, the commission shall have all and the same rights, powers and duties in connection therewith as are granted to cities in city streets by the provisions of sec-

tions 112 to 120, inclusive, of chapter 84, as amended, and to cities and towns by the provisions of sections 16 and 18, as amended, of chapter 46. Whenever the opening fee provided by section 115 of chapter 84 or by section 18-B of chapter 46 has been paid to the commission and a permit for digging up and opening a highway maintained by the state has been issued by the commission, the holder of said permit shall be entitled to make the opening described therein without the payment of fees to the city or town in which the street, road or highway to be opened is situated.'