

MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

Legislative Document

No. 1082

H. P. 1727

House of Representatives, February 25, 1949.

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Roundy of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Street Openings.

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 and by section 1 of chapter 252 of the public laws of 1947, is hereby further amended by adding at the end thereof the following:

‘In cities of 40,000 inhabitants or more, the city council may by ordinance establish a schedule of fees for excavation permits applicable to said city.’

Sec. 2. R. S., c. 84, § 116, amended. Section 116 of chapter 84 of the revised statutes, as amended by section 3 of chapter 250 of the public laws of 1945, is hereby further amended to read as follows:

‘Sec. 116. Unlawful to leave trench or excavation open, except by permission; method of filling trenches; penalty; paving to be protected on either side of opening. 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 roadway, before making any further trench or excavation; ~~such~~. **Unless the material in which the excavation is made is of gravel or sand the entire excavated material shall be removed and the trench completely filled with suitable bank run gravel from the bottom of the trench to the surface of the street. Such filling shall be puddled or rammed as the nature of the soil may require in 6 inch layers and no bulldozing or other method of back filling which does not permit the ramming of the back fill as indicated shall be permitted,** 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, 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. Such person or persons, firm, corporation, or bridge or water district 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; and 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 city government may appoint, be required to be taken up and relaid by reason of such failure to properly protect the same.'