

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-FIFTH LEGISLATURE

OF THE  
STATE OF MAINE.

1911

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth  
Legislature

*1911*

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**Chapter 34.**

**CHAP. 34**

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 or public highway shall have been ordered by the city council, it shall be the duty of the commissioner of public works or such officer as the city government may appoint, to duly serve upon such owners of property abutting on such street or highway and all corporations, persons, firms, bridge or water districts occupying such street or highway, a notice directing such owners, corporations, persons, firms, bridge or water districts, to make such sewer, water, and conduit connections or other work, as may be designated, within sixty days from date of such notice. At the expiration of the time fixed, and after such street has been paved or repaired, no permit shall be granted to open such street for a period of five years except as hereinafter provided.

Opening of streets in cities, regulated.

—notice to make sewer and water connections.

Section 2. Provided that owners, corporations, persons, firms, bridge or water districts shall have complied with notice as set forth in section one, then the commissioner of public works, or such officers as the city government may appoint, shall have power and authority in the case of an emergency to 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 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.

Permits for digging or making excavations in case of emergency.

—time shall be specified in which excavations may remain open.

Section 3. Any person or persons, firms, corporations, bridge or water districts, who shall dig or make an excavation in the driveway of any public highway without first obtaining such permit as aforesaid or who having obtained such permit shall disturb a greater area of surface than specified in such permit, shall, on conviction, pay a fine or penalty of twenty-five dollars for each and every offense.

Penalty.

Section 4. That 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 shall, before granting the same, (work done by the city employees excepted) have the applicant pay to the city treasurer the following fees, to

A record of all permits shall be kept.

—fees for permits.

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wit: For every permit for making an excavation within the driveways of any public highway paved with broken stone, granite block, wood block, brick, hassam, bitulithic or other permanent pavement, shall be as follows: For bitulithic, brick or wood block pavement, four dollars per square yard; and for all other pavements two dollars and fifty cents per square yard. All such fees paid to the city treasurer shall be regularly accounted for by him in his report to the city council. Said money shall be put in a special fund for the repaving of said cuts, and when such cuts are repaired by the street department the cost thereof shall be charged to said fund.

—fees shall be accounted for.

—special fund.

Unlawful to leave trench or excavation open, except by permission.

Section 5. It shall not be lawful for any person or persons, firms, corporations, bridge or water districts, 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 two hundred feet, except by permission of the officer granting such permit; and it shall be the duty of such person or persons, firms, corporations, bridge or water districts, fully and completely to fill up such trench to the surface of the bed upon which the pavement is to be relaid, before making any further trench or excavation; said filling up to be puddled or rammed as the nature of the soil may require, and to be done and completed within the time designated in the permit for completing such trench or excavation; and that any person or persons, firms, corporations, bridge or water districts, failing to comply with the requirements, or infringing on the prohibitions of this section, shall forfeit and pay for each and every offense a fine of fifty dollars, 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.

—refilling of trenches.

—method of filling trenches.

—penalty for failing to comply with this section.

Paving shall be protected on either side of opening.

Section 6. It shall be the further duty of such person or persons, firms, corporations, bridge or water districts, to 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.

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Section 7. If the work or any part thereof mentioned in the preceding sections of repairing or filling the trenches or excavations aforesaid, shall be unskillfully or improperly done, it shall be lawful for the commissioner of public works or such officer as the city government may appoint, forthwith to cause the same to be skillfully and properly done, and to keep an account of the expense thereof; and in such case such person or persons, firms, corporations, bridge or water districts, in default as aforesaid, shall forfeit and pay a penalty equal to the whole of said expense incurred by said commissioner of public works or such officer as the city government may appoint, with an addition of fifty per centum; and thereafter, that is to say, upon the completion of the work and the determination of the costs thereof, the said commissioner of public works or such officer as the city government may appoint, shall issue no further or new permit to any person or persons, firms, corporations, bridge or water districts so in default, until he shall receive in addition to the fees herein above provided, the amount of the penalty as by this section of this ordinance provided and determined.

Work of repairing or filling trenches shall be skillfully done.

Section 8. That when any excavation shall be made in any paved public highway and the trench shall have been filled as required by this act, it shall be the duty of the commissioner of public works or such officer as the city government may appoint, to relay the pavement; the cost thereof, including materials, labor and inspection, to be paid out of any moneys in the city treasury standing to the credit of the regular fund for this purpose.

Relaying of pavements.

Section 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.

Map or sketch of location and size of cuts to be filed.

Section 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.

Duty of commissioner of public works.

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

Inconsistent acts repealed.