

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fifth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS

OF THE

STATE OF MAINE

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in the criminal case is recorded. The clerk receiving such copy of the record of a judgment upon a writ of error shall record the same with the record of the judgment in the criminal case upon which the writ of error issued. If the judgment in the criminal case was rendered by a judge of a municipal court or trial justice as aforesaid, the certified copy of the record of the judgment rendered upon the writ of error issued upon such judgment shall be transmitted to and recorded by the judge or recorder of such municipal court or trial justice in the manner aforesaid.'

Effective August 20, 1951

Chapter 70

AN ACT Relating to Street Openings by Public Utility Corporations.

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

Sec. 1. R. S., c. 46, § 18-B, amended. Section 18-B of chapter 46 of the revised statutes, as enacted by section 2 of chapter 252 of the public laws of 1947, and repealed and replaced by section 1 of chapter 196 of the public laws of 1949, is hereby amended to read as follows:

'**Sec. 18-B. Fees for excavation permits.** The municipal officers of any city or town or similar officers of any village corporation having the duty to maintain streets may establish a schedule of fees for granting permits for making an excavation within the driveway of any street or highway, said schedule of fees not to exceed the reasonable cost of replacement of the excavated pavement. The applicant shall pay to the treasurer of the city or town or village corporation granting such permit the fees as established by the municipal or similar officers and all such fees shall be regularly accounted for and shall constitute a special fund for the repaving of said cuts.'

Sec. 2. R. S., c. 46, § 18-E, amended. Section 18-E of chapter 46 of the revised statutes, as enacted by section 2 of chapter 252 of the public laws of 1947, is hereby amended to read as follows:

'**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 or village corporation 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, amended. Section 10 of chapter 20 of the revised statutes, as amended by section 4 of chapter 250 of the public laws

of 1945, and repealed and replaced by section 3 of chapter 252 of the public laws of 1947, is hereby amended to read as follows:

'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 sections 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 or village corporation in which the street, road or highway to be opened is situated.'

Effective August 20, 1951

Chapter 71

AN ACT Relating to Definition of Steam Railroad in Public Utility Law.

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

R. S., c. 40, § 15, sub-§ XXVII, amended. Subsection XXVII of section 15 of chapter 40 of the revised statutes is hereby amended to read as follows:

'XXVII. "Steam railroad" or "steam railroad company" as used in this chapter and in chapters 41 and 42 shall be construed to mean any railroad or terminal company, however chartered, using steam as its motive power or using diesel engines; and the term "electric railroad" or "electric railroad company" shall be construed to mean any railroad or terminal company using electricity as its motive power.'

Effective August 20, 1951