

MAINE STATE LEGISLATURE

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March 17, 1948

To W. H. Bradford, Highway Department
Re: Damage to Water Mains

With relation to the claim of Houlton Water Company for damage to water and sewer services during the construction of North Street, Houlton, in the fall of 1947, it would appear from their letter to the State Highway Commission that they presented their bill to Mr. Rossi, the contractor, who, they sat, said that he should not pay the claim, but suggested that they refer the claim to the Highway Commission for adjustment.

I do not feel that there is any obligation on the part of the State Highway Commission to pay for this damage. As I understand it from you, the contractor, without any warning or request that the water company change the location of its water and sewer service pipes, proceeded to dig the trench by steam shovel or bulldozer, thus destroying the service pipes from the main line to the dwelling served.

I think the contractor should have given the water company an opportunity to make the change, and, not having done so, he would be answerable for the damage. It would also appear, if I have the facts correctly, that the contractor could have avoided the breaking of the sewer and water service, had he supported the pipes when he dug the trench in order to install the drainage system.

I return herewith the letter from the Houlton Water Company.

Abraham Breitbard
Deputy Attorney General

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