

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

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Legislative Document

No. 741

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S. P. 302

In Senate, February 9, 1967

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

JERROLD B. SPEERS, Secretary

Presented by Senator Sewall of Penobscot.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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AN ACT Relating to Inspection of Dams and Reservoirs.

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

**Sec. 1. R. S., T. 38, § 811, amended.** Section 811 of Title 38 of the Revised Statutes is amended to read as follows:

**§ 811. Appointment of engineer; duties**

The Governor with the advice and consent of the Council shall annually appoint a competent ~~and practical~~ **registered professional** engineer, a citizen of the State, who shall hold said office until his successor is appointed and qualified, and who shall, upon petition of 10 resident taxpayers of any ~~town or several towns~~ **municipality**, the ~~selectmen or assessors of any town~~ **municipal officers** or the county commissioners of any county, inspect any dam or reservoir located in such ~~town~~ **municipality** or county erected for the saving of water for manufacturing or other uses, and after personal examination and hearing the testimony of witnesses summoned for the purpose, shall forthwith report to the Governor his opinion of the safety and sufficiency thereof.

**If, after personal examination, the engineer determines that a more detailed investigation is necessary, he shall report the same to the Governor and Council, together with an estimate of cost of such investigation. Upon approval by the Governor and Council, the engineer shall engage such consultants as he deems competent to provide the professional services attendant to the investigation.**

**Sec. 2. R. S., T. 38, § 812, amended.** The first sentence of section 812 of Title 38 of the Revised Statutes is amended to read as follows:

If, after such ~~personal survey investigation~~ and inspection, the engineer reports that such dam or reservoir is unsafe or dangerous to the lives or property of persons residing, carrying on business or employed near or below the same, then the owners, occupants or lessees thereof shall immediately make such alterations, repairs and additions to said dam or reservoir as such engineer ~~recommends~~ **approves**.

**Sec. 3. R. S., T. 38, § 813, amended.** Section 813 of Title 38 of the Revised Statutes is amended to read as follows:

**§ 813. Compensation of engineer**

Said engineer shall receive **reasonable remuneration, as determined by the Governor and Council upon advice from competent sources**, as full compensation for his services ~~\$5 a day~~ while actually employed in such service, together with his actual traveling expenses to be audited, allowed and paid from the State Treasury, ~~in cases where such dam or reservoir is by him adjudged safe and sufficient; and by the owners, occupants or lessees of said dam or reservoir, in cases where said dam or reservoir is by him adjudged unsafe and insufficient, to be recovered by said engineer in a civil action unless said engineer is a regular employee of the State of Maine.~~