

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1459

H. P. 1186

House of Representatives, March 26, 1979

Referred to the Committee on Energy and Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. N. Nelson of Roque Bluffs.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Authorize the State to Provide Technical Assistance and Legal Assistance to Recipients of Wastewater and Construction Grants.

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

38 MRSA § 412-A is enacted to read:

§ 412-A. Technical and legal assistance

At the request of any recipient of state funds under section 411 or 412, the department is authorized to provide technical assistance and, through the Attorney General, legal assistance in the administration or enforcement of any contract entered into, by or for the benefit of the recipient in connection with wastewater treatment works or other facilities assisted by these funds.

In any civil action seeking enforcement of a contract or redress thereunder in which the department does not participate jointly with the recipient, the Attorney General shall have the right to intervene in order to recover any such state funds, as well as any federal funds administered by the department for the same purposes, properly assessed as damages.

STATEMENT OF FACT

The State of Maine, through the Department of Environmental Protection, provides financial assistance for the construction of wastewater treatment systems, interceptor sewers and outfalls. These moneys are provided directly to local units of government who engage contractors and consultants to perform the necessary work. The State is not a party to the contracts and has no clear remedy to see that the intentions of the grant are carried out in a satisfactory manner.

In the past, there have been a number of situations in which equipment has failed to perform according to the design specification or contractors and consultants have failed to meet the provisions of the contract. This has led to systems, paid in part with state funds, which have failed to meet the objectives of the program. This bill will allow the State, acting through the Department of Environmental Protection and the Office of the Attorney General, to assist communities in enforcing the contracts, and where necessary to take part in applicable civil court proceedings.