

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 244

H. P. 844

House of Representatives, January 31, 1935.

Referred to Committee on Legal Affairs, sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Chase of Baring.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to the Inspection of Dams and Reservoirs.

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

Sec. 1. R. S., c. 106, § 46, amended. Section 46 of chapter 106 of the revised statutes is hereby amended to read as follows:

'Sec. 46. If dam or reservoir is reported unsafe, proceedings. If, after such personal survey 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 and in writing signify their intention to make, and shall make~~ such alterations, repairs and additions to said dam or reservoir as such engineer recommends, ~~;~~, **furnishing said engineer from time to time thereafter, and until said alterations, repairs and additions are finished, a report clearly manifesting the progress thereon made;** and in default thereof ~~upon application it shall be the duty~~ of said engineer to **apply to, and he shall receive from** any justice of the supreme judicial court or of the superior court, **a decree enjoining** the said owners, occupants or lessees ~~shall be enjoined~~ from the use of such dam or reservoir and the water therein contained, until they or either of them comply with the requirements of said

engineer, and the water contained in said dam or reservoir may be discharged therefrom, by order of said engineer, in such manner as he directs as in his judgment most conducive to the safety of human life, and consistent with the protection of property.'

Sec. 2. R. S., c. 106, § 47, amended. Section 47 of chapter 106 of the revised statutes is hereby amended to read as follows:

'Sec. 47. Compensation of engineer; authority to employ assistants. Said engineer shall receive, as full compensation for his services as such engineer ~~five dollars~~ \$25 a day while actually employed in such service, together with his actual traveling expenses **and, in addition thereto, said engineer is authorized to engage, at reasonable cost, the services of a stenographer to record the evidence received in all hearings held by said engineer, the services of a consulting engineer and of any other person whenever it appears that the circumstances of the case so requires. All expenses incurred under this section are 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 an action on the case. In cases where said dam or reservoir is by him adjudged unsafe and insufficient the state expenses may be recovered from the owners, occupants or lessees thereof.'**