

# MAINE STATE LEGISLATURE

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Legislative Document

No. 260

H. P. 543

House of Representatives, January 31, 1945.

Referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Crosby of Farmington.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

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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., c. 166, § 45, amended.** Section 45 of chapter 166 of the revised statutes is hereby amended to read as follows:

**'Sec. 45. Inspection of dams and reservoirs; procedure.** ~~The governor with the advice and consent of the council~~ **The public utilities commission shall annually appoint a competent and practical 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, the selectmen or assessors of any town, or the county commissioners of any county, inspect cause to be inspected any dam or reservoir located in such town 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 shall give notice to the owner or owners and hold a hearing upon said petition in the manner prescribed for notice and hearing upon complaints against public utilities as provided by sections 55 and 56 of chapter 40.'**

**Sec. 2. R. S., c. 166, § 46, amended.** Section 46 of chapter 166 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 upon such hearing the commission finds~~ 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 the commission may order~~; and in default thereof, upon application ~~of said engineer by the commission~~ to any justice of the supreme judicial court or of the superior court, 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 order~~, and the water contained in said dam or reservoir may be discharged therefrom, by order of said ~~engineer commission~~, in such manner as ~~he directs it deems as in his judgment~~ most conducive to the safety of human life, and consistent with the protection of property.’

**Sec. 3. R. S., c. 166, § 47, repealed.** Section 47 of chapter 166 of the revised statutes is hereby repealed.