

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 904

H. P. 704

House of Representatives, February 19, 1969

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Carey of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Prevent the Pollution of the Waters of China Lake.

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

Sec. 1. Trespass. All person are forbidden trespassing on the lands purchased, taken or otherwise acquired by the Kennebec Water District for the purpose of protecting the purity of the waters of China Lake. Notices that the lands are so taken and held shall be posted in conspicuous places on said lands and along the shore of said lake abutting thereon, and any person trespassing on said lands shall be liable to a fine, payable to the State, of not more than \$20 for each offense.

Sec. 2. Use. No person, firm, association, club or corporation shall use or occupy any structure upon or near the shores of China Lake or any of its direct tributaries in the County of Kennebec or upon any of the island of said lake, for such purposes or in such manner that the sewage or drainage therefrom shall either enter the waters of said lake or any of its direct tributaries or pollute the same.

Sec. 3. Watercraft. No sewage, drainage, refuse or polluting matter of any kind shall be dumped or discharged into said China Lake or any of its direct tributaries from boats or other craft of any description, or from any other source; but every such boat and other craft shall be equipped with water tight receptacles which shall be dumped only on land and at such a distance from the shores of said lake and its direct tributaries and in such a manner that no part thereof, or any drainage therefrom shall enter said lake or any of its direct tributaries.

Sec. 4. Construction. No person shall hereafter construct or place any cottage or other structure to be occupied by man or beast within 500 feet of

high water mark of the shores of China Lake without first giving reasonable notice in writing to the trustees of the Kennebec Water District or to the sanitary inspector or health officer, appointed by said trustees to represent them for that purpose, which notice shall describe the proposed location of said structure and the manner in which the drainage and waste therefrom is intended to be disposed of, whereupon said trustees shall examine or cause to be examined the location of the proposed structure and if they are not satisfied that the proposed plan for disposing of such drainage and waste will adequately protect the waters of China Lake and said trustees are unable to agree with the interested party or parties as to a suitable plan therefor, either party may refer the matter to the State Department of Health and Welfare, which department, after investigation, shall prescribe such plan for the disposal of the drainage and waste from such proposed structure as in its judgment will adequately protect the waters of China Lake with the least expense and inconvenience and issue the order of said department accordingly.

Sec. 5. Orders, rules and regulations. The State Department of Health and Welfare shall have authority to make reasonable orders, rules and regulations to prevent the pollution and to secure the sanitary protection of the waters of China Lake or any of its direct tributaries. Any general order, rule or regulation made by said department under this section shall be published at the expense of the Kennebec Water District in a daily newspaper published in the City of Waterville and copies of said order, rule or regulation shall be posted in at least 3 public and conspicuous places in each town in which said order, rule or regulation is to take effect, and an affidavit of such publication and of the posting of said notices, filed in the office of the trustees of the Kennebec Water District, shall be sufficient evidence of the time at which and the place and manner in which the notices are given. Any special order applying to a particular case or circumstance shall be given in writing to the person affected thereby and in case of his absence it may be left with the person in charge of the premises. Any order, rule or regulation of said Department of Health and Welfare requiring a change in any structure which was in existence on January 1, 1969, the sanitary conditions of which on that date were in conformity to the law or regulations as then existing, shall provide for such change to be made by or at the expense of the Kennebec Water District. Whoever violates any rule, regulation or order made by said department of Health and Welfare under this section, or whoever violates any of the provisions of this Act, other than section 1, shall be punished for each offense by a fine of not more than \$500, payable to the State.

Sec. 6. Appeal. Any person aggrieved by an order, rule or regulation passed by the State Department of Health and Welfare under the authority of this Act may appeal therefrom to any Justice of the Superior or the Supreme Judicial Court, which courts shall have jurisdiction upon the application of the State Department of Health and Welfare or the trustees of the Kennebec Water District to enforce all orders, rules and regulations made by the Department of Health and Welfare under this Act and to enjoin, prevent or restrain any violation of this Act.

Sec. 7. Sanitary engineer. While engaged in carrying out this Act, said State Department of Health and Welfare may, whenever it shall deem the

same necessary, employ at the expense of said Kennebec Water District, a competent sanitary engineer to assist and advise said department in carrying out this Act. The expense of the employment of said sanitary engineer shall be audited by the trustees of the Kennebec Water District and paid by said district.