

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 215

S. P. 102

In Senate, January 13, 1981

Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator O'Leary of Oxford.

Cosponsor: Mrs. Huber of Falmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Revise the Law Concerning Discharges into Certain Lakes.

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

Sec. 1. 38 MRSA § 361-A, sub-§§ 3-A and 6-A are enacted to read:

3-A. Naturally occurring great pond. "Naturally occurring great pond" means any naturally flowed impoundment greater than 10 acres.

6-A. Tributaries to great ponds. "Tributaries to great ponds" mean any continuous surface watercourses which flow to a great pond whether directly or indirectly through another tributary.

Sec. 2. 38 MRSA § 363-A, 5th and 6th paragraphs, as enacted by PL 1977, c. 373, § 6, are repealed and the following enacted in their place:

These waters shall be free from sludge deposits, solid refuse, floating solids, oils, grease and scum. No radioactive matter or substance may be permitted in these waters other than that occurring from natural phenomena.

There shall be no direct or indirect discharge of sewage, pollutants or other substances harmful to water quality or aquatic life into waters of this classification except as provided in sections 371-A and 413. No materials may be

placed on the shores or banks thereof in such a manner that the material may fall or be washed into the waters or in such a manner that the drainage from the material may flow or leach into those waters.

Sec. 3. 38 MRSA § 371-A, sub-§ 2, as enacted by PL 1977, c. 373, § 31, is repealed and the following enacted in its place:

2. Existing discharges. Existing licensed discharges to great ponds and tributaries to great ponds may continue until practical alternatives exist, but no new discharges are permitted to naturally occurring great ponds or tributaries to naturally occurring great ponds which will increase the amount of any pollutant in the great pond.

STATEMENT OF FACT

This bill amends the statutes which allow discharges into Class GP-B lakes and prohibits discharges into all lakes and tributaries of naturally occurring lakes if the amount of pollutants reaching any lake is not increased.

The water quality of GP-B lakes is generally considered unacceptable by the Maine public. This is because the lakes are already overloaded with nutrients or wastes.

Most GP-B lakes are in the process of being restored with federal, state and local funds. It makes little sense to allow direct or indirect discharges into those waters which the State is trying to restore. These lakes and ponds deserve protection from future discharges so that the property owners as well as other lake interests are satisfied.