

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Eighth Legislature

1917

[supplied from page 1 of volume]

Chapter 98.

An Act to Prevent the Sources of Domestic Water Supply from Becoming Polluted.

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

Sec. 1. Public utilities commission to advise municipalities as to purification of water supply and disposal of sewage. The public utilities commission shall consult with and advise the authorities of cities and towns and persons and corporations having, or about to have, systems of water supply, drainage or sewage as to the most appropriate source of water supply and the best method of assuring its purity or as to the best method of disposing of their drainage or sewage with reference to the existing and future needs of other cities, towns or persons or corporations which may be affected thereby. It shall also consult with and advise persons or corporations engaged or intending to engage in any manufacturing or other business whose drainage or sewage may tend to pollute any inland water, as to the best method of preventing such pollution, and it may conduct experiments to determine the best method of the purification or disposal of drainage or sewage. No person shall be required to bear the expense of such consultation, advice or experiment. Cities, towns, persons and corporations shall submit to said commission for its advice their proposed system of water supply or of the disposal of drainage or sewage and all petitions to the legislature for authority to introduce a system of water supply, drainage or sewage shall be accompanied by a copy of the recommendation and advice of said commission thereon. In this section the term "drainage" means rainfall, surface and subsoil water only, and "sewage" means domestic and manufacturing filth and refuse.

Sec. 2. Commission to hold public hearing upon complaints of pollution. Upon petition to said commission by the mayor of a city or the selectmen of a town the managing board or officer of any public institution, or by a board of water commissioners, or the president or other official of a water or ice company, stating that manure, excrement, garbage, sewage or any other matter pollutes or tends to pollute the waters of any stream, pond, spring or water course used by such city, town, institution or company, as a source of water supply, the commission shall appoint a time and place within the county where the nuisance or pollution is alleged to exist for a hearing, and after such notice thereof to parties interested and a hearing, if in its judgment the public health so requires, may, by an order served upon the party causing or permitting such pollution, prohibit the deposit, keeping or discharge of any such cause of pollution, and shall order him to desist therefrom and to remove any such cause of pollution; but the commission shall not prohibit the cultivation and use of the soil in the ordinary methods of agriculture if no human excrement is used thereon. Said commission shall not prohibit the use of any structure which was in existence on or before the first day of January, nineteen hundred and seventeen, upon a complaint made by any city, town, corporation or water district, water or ice com-

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pany, unless such city, town, corporation, water district or company files with said commission a vote of its city council, selectmen, corporation, water district or company that such city, town, corporation, water district or company will, at its own expense, make such changes in said structure or its location as said commission shall deem expedient. Such vote shall be binding on such city, town, corporation, water district or company and all damages caused by any such change shall be paid by such city, town, corporation, water district or company. If the parties cannot agree thereon, the damage shall, on petition of either party, filed within one year after such changes are made, be assessed by a jury in the supreme judicial court for the county where such structure is located.

Sec. 3. Appeal from decision of commission may be taken to supreme court. Whoever is aggrieved by an order passed under the provisions of the preceding section may appeal therefrom to the supreme judicial court sitting in the county where appellant resides; but such notice of the pendency of the appeal as the court shall order shall also be given to the board of water commissioners and the mayor of the city or chairman of the selectmen of the town or president or other officer of the water or ice company interested in such order. While the appeal is pending, the order of the commission shall be complied with unless otherwise authorized by the commission.

Sec. 4. Supreme court to enforce orders of commission. The supreme judicial court shall have jurisdiction in equity, upon the application of the public utilities commission or of any party interested, to enforce its orders, or the orders, rules and regulations of said public utilities commission, and to restrain the use or occupation of the premises or such portion thereof as said commission may specify, on which said material is deposited or kept, or such other cause of pollution exists until the orders, rules and regulations of said commission have been complied with.

Sec. 5. Agents of commission may enter upon and examine property. The agents and servants of said public utilities commission may enter any building, structure, or premises for the purpose of ascertaining whether sources of pollution or danger to the water supply there exists, and whether the rules, regulations and orders aforesaid are obeyed.

Sec. 6. Penobscot, Kennebec, Androscoggin and Saco rivers exempt from prohibition against deposit of sewage. Unless the public utilities commission determines that public health will not thereby be seriously injured, no sewage, drainage, refuse or polluting matter of such kind and amount as either by itself or in connection with other matter will corrupt or impair the quality of the water of any pond or stream used as a source of ice or water supply by a city, town, public institution or water company for domestic use or render it injurious to health, and no human excrement shall be discharged into any such pond or stream or upon the banks thereof if any filtering basin in use is there situated. The prohibition against the deposit of sewage, drainage, refuse, polluting matter and human excrement shall not apply to the following

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rivers, namely, the Penobscot, the Kennebec, the Androscoggin and the Saco.

Sec. 7. Penalty for violation. Whoever violates any rule, regulation or order made under the provisions of any section hereof shall be punished for each offence by a fine of not more than five hundred dollars to the use of the state or by imprisonment for not more than one year or by both such fine and imprisonment.

Sec. 8. Commission may expend \$4,000 in each of years 1917-18. Said commission may appoint, employ and fix the compensation of such agents, clerks, servants, engineers and expert assistants as is considered by said commission necessary; and for the purpose of carrying out the provisions of this act, said commission may expend the sum of not over four thousand dollars in each of the years nineteen hundred seventeen and nineteen hundred eighteen which sums are hereby appropriated therefor.

Approved March 29, 1917.

Chapter 99.

An Act to Amend Section Twenty-four of Chapter Forty-five of the Revised Statutes Relating to Prosecution of Violations of the Lobster Law.

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

R. S., c. 45, § 24, relating to prosecutions for violations of the lobster license law, amended. Section twenty-four of chapter forty-five of the revised statutes is hereby amended by striking out the whole of said section and enacting in place thereof the following:

'Sec. 24. Certificate of commissioner may be offered in evidence. Any certificate of the commissioner of sea and shore fisheries in regard to the records of his office, shall be admissible in evidence in all prosecutions under this chapter.'

Approved March 29, 1917.

Chapter 100.

An Act to Amend Section Four, of Chapter Sixty-four of the Revised Statutes, Relative to the Recording of Intentions of Marriage.

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

R. S. c. 64, § 4, relating to recording of marriage intentions supplemented. Section four of chapter sixty-four of the revised statutes is hereby amended by adding thereto the following paragraphs: 'Upon application by both of the parties to an intended marriage, when both parties are residents of this state, or both parties are non-residents, or upon application of the party residing within the state when one of the parties is a resident and the other a non-resident, a judge of probate or the justice of a po-