

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
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§ 689. Appeal to Superior Court

Except where otherwise specified by statute, any person aggrieved by any order or decision of the commission in regard to any matter upon which there was a hearing before the commission and of which a transcript of said hearing is available, may, within 30 days after notice of the filing of such order or decision, appeal therefrom to the Superior Court by filing a notice of appeal stating the points of appeal. Notice of the appeal shall be ordered by the court without a jury in the manner and with the rights provided by law in other civil actions so heard. The proceedings shall not be de novo. The court shall receive into evidence true copies of the transcript of the hearing, the exhibits thereto and the decision of the commission. The court's review shall be limited to questions of law and to whether the commission acted regularly and within the scope of its authority and the commission's decision shall be final so long as supported by substantial evidence. The court may affirm, reverse or remand the commission's decision for further proceedings. Appeals from all other orders or decisions of the commission, unless otherwise specified by statute, shall be taken pursuant to Rule 80B of the Maine Rules of Civil Procedure.

Sec. 7. R. S., T. 12, §§ 686-688, repealed. Sections 686, 687 and 688 of Title 12 of the Revised Statutes, as enacted by chapter 494 of the public laws of 1969, are repealed.

Effective September 23, 1971

Chapter 458

AN ACT Revising the Laws Relating to the Deposit of Oil, Forest Products Refuse and Potatoes in Waters of the State.

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

Sec. 1. R. S., T. 38, § 416, repealed and replaced. Section 416 of Title 38 of the Revised Statutes, as last amended by section 2 of chapter 572 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 416. Discharge of oil prohibited

No person, firm, corporation or other legal entity shall discharge, spill or permit to be discharged oil, petroleum products or their by-products, as defined in section 542, subsection 6, into any inland waters of this State. For the purposes of this section, "inland waters of this State" shall mean all waters of this State except those described in section 543.

Whoever discharges oil, petroleum products or their by-products in violation of this section shall immediately report the fact of such discharge to the commission and undertake to remove such discharge to the commission's satisfaction. Notwithstanding the requirements of the preceding sentence, the commission may undertake to remove such discharge, and may retain agents and contractors for such purpose.

Whoever discharges, spills or permits to be discharged oil, petroleum products or their by-products in violation of this section, and fails to report such discharge, shall be punished by a fine of not less than \$500 nor more than \$1000.

Sec. 2. R. S., T. 38, § 417, repealed and replaced. Section 417 of Title 38 of the Revised Statutes, as amended by section 5 of chapter 431 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 417. Certain deposits and discharges prohibited

No person, firm, corporation or other legal entity shall place, deposit or discharge, directly or indirectly into the inland waters or tidal waters of this State, or on the ice thereof, or on the banks thereof in such a manner that the same may fall or be washed into such waters, or in such manner that the drainage therefrom may flow or leach into such waters, any of the following, except as otherwise provided by law:

- A. Forest products refuse. Any slabs, edgings, sawdust, shavings, chips, bark or other forest products refuse;
- B. Potatoes. Any potatoes or any part or parts thereof;
- C. Refuse. Any scrap metal, junk, paper, garbage, septic tank sludge, rubbish, old automobiles or similar refuse.

Whoever violates this section shall be punished by a fine of not less than \$100 nor more than \$500.

Effective September 23, 1971

Chapter 459

AN ACT Relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees.

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

Sec. 1. R. S., T. 39, § 4, amended. The first 2 sentences of section 4 of Title 39 of the Revised Statutes, as amended by section 1 of chapter 411 and section 1 of chapter 489, both of the public laws of 1965, are further amended to read as follows:

Section 3 shall not apply to employers engaged in woods operations and who employ 3 or less workmen or operatives ~~regularly in the same business~~. Said section shall not apply to actions to recover damages for the injuries aforesaid, or for death resulting from such injuries, sustained by employees engaged in domestic service or in agriculture as seasonal or casual farm laborers.