

# MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

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THE KNOWLTON AND McLEARY COMPANY  
FARMINGTON, MAINE  
1973

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature

1973

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**CHAPTER 155****AN ACT Relating to Apportionment of County Tax.**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, under present law the county tax must be apportioned upon the towns in the month of March; and

Whereas, the Federal Government's guidelines as to percentage of salary increases is not yet clear; and

Whereas, it is impossible to judge the amount of federal revenue sharing; and

Whereas, the following legislation to change the apportionment to the month of April is vitally necessary to prevent undue hardship and confusion on the several counties and municipalities of the State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**R. S., T. 30, § 254, amended.** The first sentence of section 254 of Title 30 of the Revised Statutes is amended to read as follows:

When a county tax is authorized, the county commissioners shall, in ~~March~~ **April** in the year for which such tax is granted, apportion it upon the towns and other places according to the last state valuation and fix the time for the payment of the same, which shall not be earlier than the first day of the following September.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall be effective March 31, 1973.

Effective March 31, 1973

**CHAPTER 156****AN ACT to Revise the Law Prohibiting the Location of Dumps within 300 Feet of Classified Bodies of Water.**

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

**R. S., T. 38, § 421, amended.** Section 421 of Title 38 of the Revised Statutes, as enacted by chapter 440 of the public laws of 1971, and as amended, is further amended by adding a new paragraph at the end to read as follows:

Notwithstanding this section, if the Board of Environmental Protection shall determine from an examination of soil conditions, groundwater characteristics, climatic conditions, topography, the nature and amount of the solid waste and other appropriate factors, that the deposit of solid waste within an area less than 300 feet from any classified body of water, will not result in an unlicensed direct or indirect discharge of pollutants to such body of water, it may, after notice and hearing, permit the deposit of solid waste within such area, upon such terms and conditions as it deems necessary. Permits issued pursuant to this section shall be for a term of not more than 2 years but may be renewed for successive 2-year terms after reexamination pursuant to this chapter.

Effective October 3, 1973

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## CHAPTER 157

### AN ACT Relating to Protection of the Public Water Supply.

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

Sec. 1. R. S., T. 22, § 2436, repealed and replaced. Section 2436 of Title 22 of the Revised Statutes, as amended by sections 1 to 3 of chapter 341 of the public laws of 1967, is repealed and the following enacted in place thereof:

#### § 2436. Protection of source of public water supply

Any water utility or municipality supplying water to the public or the Department of Health and Welfare is authorized to take reasonable methods to protect such source of public water supply from pollution. It may enter upon land within 1,000 feet of the high water mark of any lake, pond, brook, stream or river and their tributaries used as a source of public water supply, a well used as a source of public water supply, a spring used as a source of public water supply and upon land used for commercial or industrial purposes having a system of drainage or sewage flowing or seeping into a source of a public water supply or tributary thereof and inspect the system of drainage or sewage disposal of any building or structure thereon. Such power of entry and inspection shall be exercised only after the water utility, municipality or department has made a reasonable effort to obtain permission therefor from the landowner. Any local or state health inspector or officer may order the owner of any building or structure thereon having a system of drainage or sewage flowing or seeping into and contaminating said source of said water supply to remedy the situation. Such order shall be in writing and state a time in which the order must be complied with.

Either party may call upon the department for technical advice. Any person, corporation or other legal entity aggrieved by any order of such water utility or municipality supplying water to the public may appeal to the Superior Court within 30 days after receiving such order.

The water utility or municipality supplying water to the public, or the Department of Health and Welfare, may petition the Superior Court upon failure of the person, corporation or other legal entity named in such order to