

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.

THE KNOWLTON AND McLEARY COMPANY
FARMINGTON, MAINE
1973

PUBLIC LAWS
OF THE
STATE OF MAINE
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trol and remove all other officials, subordinates and assistants, except that he may delegate this authority to a head of a department, and report all appointments and removals to the board of selectmen;

Sec. 4. R. S., T. 30, § 2317, sub-§ 1, ¶ N, additional. Subsection 1 of section 2317 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 438 of the public laws of 1969, is amended by adding a new paragraph N to read as follows:

N. Have exclusive authority to remove for cause after notice and hearing all persons whom he is authorized to appoint and report all removals to the board of selectmen.

Effective October 3, 1973

CHAPTER 422

AN ACT to Remove the Exception for Paper Mills Allowed to Store and Drive Logs on Maine Surface Waters.

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

R. S., T. 38, § 418, sub-§ 3, repealed. Subsection 3 of section 418 of Title 38 of the Revised Statutes, as enacted by chapter 355 of the public laws of 1971, is repealed.

Effective October 3, 1973

CHAPTER 423

AN ACT to Amend the Laws Administered by the Department of Environmental Protection.

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

Sec. 1. R. S., T. 38, § 361-A, amended. The first paragraph of section 361-A of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 470 of the public laws of 1971, is repealed and the following enacted in place thereof:

Unless the context otherwise indicates, the following words when used in any statute administered by the Department of Environmental Protection shall have the following meanings:

Sec. 2. R. S., T. 38, § 361-A, sub-§ 7, additional. Section 361-A of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 470 of the public laws of 1971, is amended by adding a new subsection 7, to read as follows:

7. Coastal streams. "Coastal streams" means those waters of the State which drain directly or indirectly into tidal waters, except portions of streams

subject to the rise and fall of the tide and those waters listed and classified in sections 368 and 370.

Sec. 3. R. S., T. 38, § 362-A, additional. Title 38 of the Revised Statutes is amended by adding a new section 362-A, to read as follows:

§ 362-A. Experiments and scientific research in the field of pollution and pollution control

Notwithstanding any other law administered or enforced by the department, the department is authorized to permit persons to discharge, emit or place any substances on the land or in the air or waters of the State, in limited quantities and under the strict control and supervision of the department or its designees, exclusively for the purpose of scientific research and experimentation in the field of pollution and pollution control. The research and experimentation conducted under this section shall be subject to such terms and conditions as the department deems necessary in order to protect the public's health, safety and general welfare, and may be terminated by the department at any time upon 24 hours' written notice.

Sec. 4. R. S., T. 38, § 369, sub-§ 11, additional. That part of section 369 of Title 38 of the Revised Statutes which relates to Other Coastal Streams of Knox County is amended by adding a new subsection 11 to read as follows:

11. Other coastal streams. All coastal streams, direct and indirect segments thereof, draining to the tidal waters of Knox County, not otherwise specified or classified—Class B-1.

Sec. 5. R. S., T. 38, § 369, sub-§ 16, additional. That part of section 369 of Title 38 of the Revised Statutes, which relates to Other Coastal Streams of Lincoln County, as amended, is further amended by adding a new subsection 16, to read as follows:

16. Other coastal streams. All coastal streams, direct and indirect segments thereof, draining to the tidal waters of Lincoln County, not otherwise specified or classified—Class B-1.

Sec. 6. R. S., T. 38, § 369, sub-§ 16, additional. That part of section 369 of Title 38 of the Revised Statutes, which relates to Waldo County, is amended by adding a new subsection 16, to read as follows:

16. Other coastal streams of Waldo County. All coastal streams, direct and indirect segments thereof, draining to the tidal waters of Waldo County, not otherwise specified or classified—Class B-1.

Sec. 7. R. S., T. 38, § 422, amended. The 3rd paragraph of section 422 of Title 38 of the Revised Statutes, as enacted by section 10 of chapter 618 of the public laws of 1971, is amended to read as follows:

If the applicant for the permit demonstrates that the proposed activity will not unreasonably interfere with existing recreational, navigational, scenic and aesthetic uses; nor otherwise unreasonably interfere with or harm the natural environs of the great pond or tributary, river or stream; nor cause unreasonable soil erosion; nor unreasonably interfere with the natural flow

of any waters; nor create or cause to be created unreasonable noise or traffic of any nature; nor **unreasonably** harm any fish or wildlife habitat; nor lower the quality of any waters, to the satisfaction of the board, the board shall grant the permit upon such terms as it deems necessary to insure that the proposed activity will comply with the foregoing standards.

Sec. 8. R. S., T. 38, § 451-A, additional. Title 38 of the Revised Statutes is amended by adding a new section 451-A to read as follows:

§ 451-A. Time schedule variances

The Board of Environmental Protection may grant a variance from any statutory water pollution abatement time schedule to any municipality or quasi-municipal entity upon application by it. The board may grant a variance only upon a finding that;

1. Federal funds not available. Federal funds for the construction of municipal waste water treatment facilities are not available for the project, and

2. Compliance. The municipality or quasi-municipal entity has demonstrated that it has otherwise fully complied with this Title.

Variances shall be issued for a term certain, not to exceed 2 years, and may be renewed, except that no variance shall run longer than March 1, 1979.

Variances may be conditioned upon terms relating to appropriate interim measures to be taken by the municipality or quasi-municipal entity to maintain or improve water quality.

Sec. 9. R. S., T. 38, § 487, repealed and replaced. Section 487 of Title 38 of the Revised Statutes, as enacted by section 2 of chapter 571 of the public laws of 1969 and as amended, is repealed and the following enacted in place thereof:

§ 487. Judicial review

Any person aggrieved by any order of the Board of Environmental Protection, pursuant to this Article may within 30 days after notice of such order, appeal therefrom to the Supreme Judicial Court pursuant to the provisions of Rule 73 (f) of the Maine Rules of Civil Procedure. The proceedings shall not be de novo. Review shall be limited to the application, the record of any hearing before and the order of the board. The court shall decide whether the board acted regularly and within the scope of its authority, and whether the order is supported by substantial evidence, and on the basis of such decision may enter judgment affirming or nullifying such determination.

Sec. 10. R. S., T. 38, § 488, amended. Section 488 of Title 38 of the Revised Statutes, as enacted by section 2 of chapter 571 of the public laws of 1969 and as amended, is further amended to read as follows:

§ 488. Applicability

This Article shall not apply to any development in existence or in possession of applicable state or local licenses to operate or under construction on

January 1, 1970 or to any development the construction and operation of which has been specifically authorized by the Legislature prior to May 9, 1970, or to public service corporation transmission lines, except transmission lines carrying 125 kilovolts or more, nor shall it apply to the renewal or revision of leases of parcels of land upon which a structure or structures have been located as of March 15, 1972.

Sec. 11. R. S., T. 38, § 543, amended. Section 543 of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 572 of the public laws of 1969, is amended by adding at the end 2 new paragraphs to read as follows:

Notwithstanding the prohibition of this section, the Board of Environmental Protection may license the discharge of waste, refuse or effluent, including natural drainage contaminated by oil, petroleum products or their by-products, into or upon any coastal waters if, and only if, it finds that such discharge will be receiving the best available treatment and that such discharge will not degrade existing water quality nor perceptibly violate the classification of the receiving waters, nor create any visible sheen upon the receiving waters.

In acting upon an application for any such license, the board shall follow the provisions of subchapter I insofar as they are applicable.

Effective October 3, 1973

CHAPTER 424

AN ACT Relating to Permit Fees for Automobile Graveyards or Junkyards.

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

Sec. 1. R. S., T. 30, § 2454, sub-§ 3-A, additional. Section 2454 of Title 30 of the Revised Statutes, as amended, is further amended by adding a new subsection 3-A, to read as follows:

3-A. Limitation on new permits. After the effective date of this Act, no permit shall be granted for any new automobile graveyard or junkyard within 100 feet of any highway.

Sec. 2. R. S., T. 30, § 2455, sub-§ 2, amended. Subsection 2 of section 2455 of Title 30 of the Revised Statutes, as repealed and replaced by section 3 of chapter 481 of the public laws of 1965, is amended to read as follows:

B. 2. Within 100 feet from highway. ~~Five~~ Two hundred dollars for each permit for an automobile graveyard or junkyard located within 100 feet from any highway, plus the cost of posting and publishing said notice.

Effective October 3, 1973