

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
LEGISLATIVE RESEARCH COMMITTEE

**Reports**  
**to the**  
***ONE HUNDRED AND FOURTH LEGISLATURE***  
**Volume One**

*January, 1969*

Legislative Research Committee

Publication 104-20 (Vol. I)

STATE OF MAINE  
LEGISLATIVE RESEARCH COMMITTEE

REPORTS  
TO THE  
ONE HUNDRED AND FOURTH LEGISLATURE  
VOLUME ONE

JANUARY, 1969  
LEGISLATIVE RESEARCH COMMITTEE  
PUBLICATION 104-20 (VOL. I )

## LEGISLATIVE RESEARCH COMMITTEE

Senator Horace A. Hildreth, Jr., Falmouth, Chairman  
 Resigned August 14, 1968  
 Senator Kenneth P. MacLeod, Brewer, Chairman  
 Elected September 19, 1968  
 Representative Samuel A. Hinds, Vice Chairman

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 Armand Duquette, Biddeford  
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 Appointed October 20, 1967  
 Joseph Sewall, Old Town  
 Appointed August 16, 1968  
 Roger V. Snow, Jr., Falmouth  
 Resigned October 18, 1967  
 J. Hollis Wyman, Milbridge

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 David J. Kennedy, Milbridge  
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## Office of Legislative Research:

Samuel H. Slosberg, Gardiner, Director  
 David S. Silsby, Augusta, Assistant Director

## Office of Legislative Finance:

Frederick W. Kneeland, Augusta, Finance Officer  
 Resigned July 12, 1968  
 William H. Garside, Augusta, Finance Officer  
 Appointed July 17, 1968  
 Samuel A. Hinds, Assistant Finance Officer  
 Appointed November 20, 1968; Effective, January 1, 1969

## LETTER OF TRANSMITTAL

January 1, 1969

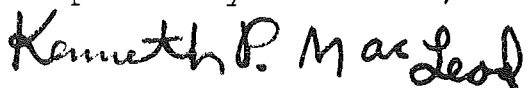
To the Members of the 104th Legislature:

It is my honor to transmit herewith the first volume of studies authorized by the 103rd Legislature for Legislative Research Committee study and determination during this past biennium.

This volume, designated as Legislative Research Committee publication 104-20 (Vol. I), combines in a single publication the findings and recommendations developed in ten specific areas of study which are individually reported in committee publications numbered 104-1 through 104-10.

The Members of the Committee wish to express their appreciation for being chosen to participate in these assignments and sincerely hope the reports contained herein will prove of benefit to the Members of the Legislature and the people of the State of Maine.

Respectfully submitted,



KENNETH P. MACLEOD, Chairman  
Legislative Research Committee

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STATE OF MAINE  
LEGISLATIVE RESEARCH COMMITTEE

REPORT ON  
STATE OBLIGATION TO MARS HILL

to the  
ONE HUNDRED AND FOURTH LEGISLATURE

JANUARY, 1969  
Legislative Research Committee  
Publication 104-9



ORDERED, the House concurring, that the Legislative Research Committee be instructed to study the nature of any obligations of the State of Maine to the Town of Mars Hill as a result of declassification and subsequent re-classification of the Prestile Stream, such study to determine whether there are obligations on the part of the State of Maine to refund to the Town of Mars Hill the outstanding indebtedness for a sewerage system and treatment plant incurred as a result of actions of the Water Improvement Commission in implementing the B-2 classification of the Prestile Stream passed by the Legislature in 1955, taking into account any and all contributing factors thereto since 1955 including but not limited to the industrial growth of Aroostook County and the consequent impact financially on the citizens of Maine, our relationships with New Brunswick of the Dominion of Canada and the best interests of pollution abatement of the State of Maine, recognizing that such determinations as are made by the Legislative Research Committee may well have substantial impact on future actions of Maine Legislatures in directing the control of water pollution in the State of Maine, and that the Legislative Research Committee be instructed to report their conclusions and recommendations to the 104th Legislature.

## SUBCOMMITTEE ON STATE OBLIGATION TO MARS HILL

CHAIRMAN - Harrison L. Richardson

VICE CHAIRMAN - Kenneth P. MacLeod

Emilien A. Levesque

Carlton D. Reed, Jr.

David B. Benson

William E. Dennett

Raymond M. Rideout, Jr.

Joseph Sewall

The Prestile Stream, from its source at Bishop Pond to the Canadian Border, is approximately 23.5 miles in length and flows in a generally southerly direction through the Towns of Easton, Westfield, Mars Hill, Blaine and Bridgewater where it crosses the international boundry into the Province of New Brunswick, Canada. The Prestile Stream has long been famous for its trout fishing and is reported by biologists to be one of the finest natural habitats for the rearing of game fish in the eastern United States. At the time the waters of the Prestile Stream were originally classified by the Legislature in 1955 (see Appendix I), the pollution load consisted of two small starch factories and three communities, the largest of which was the Town of Mars Hill.

This classification split the stream into two segments (see Map Appendix I) and specified individual high quality classification for each. The northern portion of the stream received a classification of B-1 water (2nd from highest, drinkable after treatment). The southern portion of the stream was classified as B-2 water (lower than B-1 but also drinkable after treatment). As this B-2 classification requirement set forth by section 4 of the Act was so high, the Town of Mars Hill was placed in a position where it could no longer discharge its raw sewerage into the stream and had to face construction and maintenance of a sewerage treatment plant if it did not succeed in persuading the Legislature to lower the requirement. At subsequent sessions of the Maine Legislature legislation was introduced to change the rigid classification; however, the Legislature did

not see fit to grant the relief requested. Following such efforts by the town, on December 29, 1959 the Chief Engineer of the Maine Water and Air Environmental Improvement Commission informed the Town Manager of Mars Hill by letter that the Commission had no alternative other than to require compliance on the part of the Town of Mars Hill with respect to pollution abatement of the Prestile Stream and stated further that the Commission would have no recourse but to take such enforcement steps as are provided under the statutes to compel Mars Hill to build a comprehensive sewerage system. Early in 1960 under the Water Improvement Commission's direction, the town complied by planning, financing and constructing a sewerage system for primary treatment of raw sewerage collected under the system for the urban area of Mars Hill. This facility was built in good faith, acceptable to the Commission and met the stringent statutory requirements for a B-2 classification.

Later in 1961 a potato processing plant, which was later destined to become one of the largest individual potato processing plants in the entire country, started operating in Easton. This processing plant, of necessity, had to use the Prestile Stream to carry away its effluent.

When it became apparent that Maine's allotment to grow 33,000 acres of sugar beets could well be withdrawn because the sugar company that had originally agreed to build a refinery necessary to process the beets decided to cancel its plans, interested parties at the local, state and national level searched everywhere to find a company willing to build a refinery. The same company that operated the potato processing plant in Easton agreed to take on the sugar refinery as an additional part of its industrial complex.

The financial package essential to the construction of the refinery included substantial first mortgage financing under the Maine Industrial Building Authority and even more substantial second mortgage financing under Federal programs. A condition of participation to secure the Federal moneys was declassification of the Prestile Stream and providing this huge sugar refinery a means to dispose of its effluent.

The 102nd Legislature then, early in 1965, enacted legislation reducing both the B-1 and B-2 classifications of the Prestile Stream, as explained earlier, to D, the lowest classification permitted under our pollution control program in Maine (see Appendix III). The citizens of Mars Hill indicated at the time that they did not quarrel with the economic expansion afforded Maine agriculture by the construction of this sugar refinery and that they believed in industrial development and diversification of Aroostook's agricultural economy. However, the Town of Mars Hill was now collecting, treating and discharging its effluent, meeting all the requirements of Class B-2 water as a result of legislation enacted in 1955, and discharging that effluent into water now classified D.

To complicate matters further, the 103rd Legislature in 1967 again saw fit to change the classification of the Prestile Stream, making the classification of the Prestile, C (commercial and industrial, all except drinking and swimming). (See Appendix IV)

The foregoing is an abbreviated chronological summary of events taken from oral and written testimony submitted to members of the 103rd Legislative Research Committee at its public hearing held at Mars Hill Town Hall on March 28, 1968, held for the purpose of determining the State of Maine's financial obligation to the

Town of Mars Hill in view of such facts as directed by joint order of the 103rd Legislature.

After careful consideration of all the testimony, including the many contributing factors since 1955, this Committee feels that the State owes to the Town of Mars Hill a moral obligation. How the 104th Legislature wishes to acknowledge this moral obligation is of deep significance. We are not opposed to the State reimbursing the Town of Mars Hill for its indebtedness until such time as the Prestile Stream meets its original legislative classification. However, Maine's moral obligation to the Town of Mars Hill and to the people of our State will never be met until the classification of Prestile Stream is raised to its original classification. Therefore we do strongly recommend that this water be reclassified to its original B-2 classification and that enforcement of this classification be vigorously carried forth by the State without delay for the following reasons:

1. A classification placed upon a given body of water means little unless it can be enforced.
2. The Prestile Stream at the time of its declassification from B-2 to D was not meeting more than a D classification nor does the C classification presently imposed seem to

have any substantial compliance.

3. If the State ever hopes to clean up its water it must spend its money in doing just that rather than paying out guilt money.
4. In this case although the reason for lowering the classification was the sugar beet plant in fact it was and still is the potato processing plant that is the prime polluter.

It seems to the Committee that the whole "Prestile Situation" dating from 1961 when a new potato processing plant was located on the stream, points up the glaring lack of adequate enforcement provisions without which the State of Maine can never hope to achieve clean water.

In accordance with the Committee's recommendations the following legislation is submitted for your urgent consideration.

AN ACT Reclassifying Prestile Stream of the Meduxnekeag River Basin.

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

R. S., T. 38, §368, amended. Subsections 2 and 9 of that part of section 368 of Title 38 of the Revised Statutes, as amended by section 1 of chapter 42 of the public laws of 1965 and by section 1 of chapter 18 of the public laws of 1967, which relates to waters captioned Meduxnekeag River Basin, are further amended to read as follows:

2. All segments and tributaries of Prestile Stream, not otherwise defined, above the international boundary - Class-E-B-1.

9. Prestile Stream, main stem, from the bridge at Westfield to the international boundary in the Town of Bridgewater --Class -E-B-2.



RESOLVE, Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction.

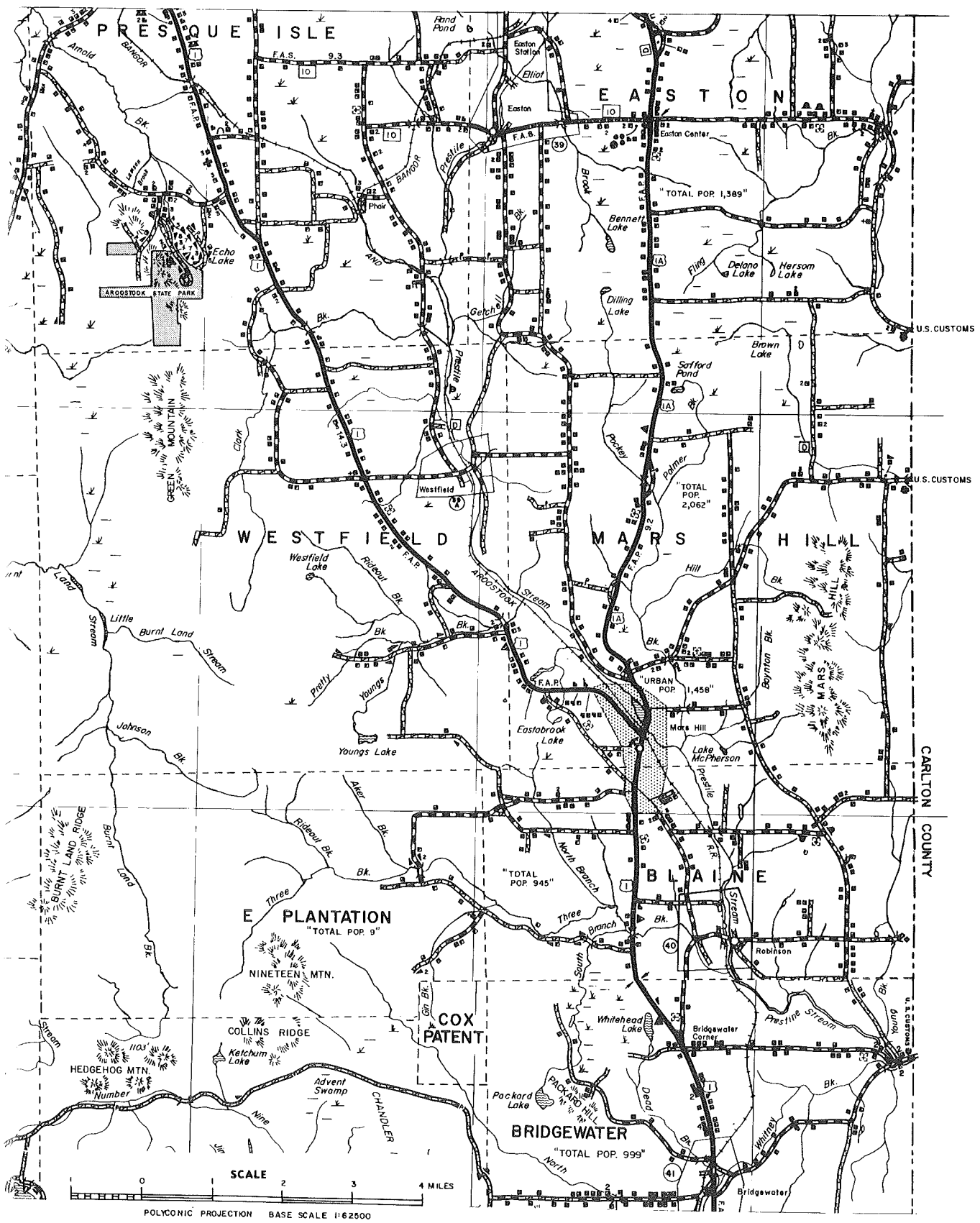
Mars Hill Utility District; reimbursed. Resolved: That there is appropriated from the Unappropriated Surplus of the General Fund the sum of \$27,988 to be paid to the Mars Hill Utility District to be held and used by said district solely for the purpose of paying the principal and interest on certain Sewer Construction Serial and Term Bonds issued by said district in 1964.

Statement of Facts

In accordance with then existing law and standards set by the Legislature for upgrading the Prestile Stream, the Mars Hill Utility District issued, in 1964, \$150,000 Serial Bonds and \$110,000 Term Bonds to assist in financing the sewer facilities required by the Maine Water Improvement Commission. The inhabitants of the district understood that the whole of Prestile Stream was to be upgraded and they wished to do their part. The 102nd Legislature saw fit to lower the classification of a part of the Prestile Stream which is upstream from Mars Hill, thus reducing, if not completely nullifying, the effect of Mars Hill sewer system and treatment plant. The inhabitants feel that the State should reimburse them for this expenditure made in good faith. The above bonds are not callable. The district has already paid out \$34,687.50 for principal and interest on the above bonds and the State has contributed \$28,738 by chapter 70 of the Resolves of 1967.

APPENDIX I

CANADA  
NEW BRUNSWICK



SCALE 0 1 2 3 4 MILES  
 POLYCONIC PROJECTION BASE SCALE 1:62500  
 10,000 FOOT GRID BASED ON MAINE (EAST) RECTANGULAR COORDINATE SYSTEM  
 5,000 METER UNIVERSAL TRANSVERSE MERCATOR GRID

## STATE OF MAINE

MAY 21 '55

CHAPTER

426

BY GOVERNOR

PUBLIC LAW

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

H. P. 1230—L. D. 1513

AN ACT Classifying Additional Surface Waters in Maine.

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

Sec. 1. R. S., c. 79, § 15, amended. That part of section 15 of chapter 79 of the revised statutes under the caption "Kennebec River Basin" is hereby amended by changing the caption to read 'Kennebec River Basin and Adjacent Coastal Areas' and by adding after subsection "V" the following subsections:

VI. Dead River, South Branch, segments and tributaries thereof, not otherwise defined above the normal high water mark of the reservoir created by the Long Falls Dam—Class B-1.

VII. Stratton Brook and its tributaries above the Stratton-Kingfield highway—Class B-1.

VIII. All waters tributary to the flowage of Long Falls Dam on the Dead River with the exception of the North Branch of Dead River, the South Branch of Dead River, and Stratton Brook—Class B-1.

IX. All waters tributary to the Dead River between Long Falls Dam and its junction with the Kennebec River at the Forks—Class B-1.

X. Moose River, all tributaries (main stem excluded) entering between the outlet of Wood Pond at Jackman and the mouth of Moose River at Moosehead Lake in Rockwood—Class B-1.

XI. Moosehead Lake, all tributaries above normal high water with the exception of Roach River below First Roach Pond Dam and the unnamed streams entering East and West Coves of Moosehead Lake respectively through the village of Greenville—Class B-1.

XII. Roach River, main stem, First Roach Pond Dam to outlet—Class B-2.

XIII. Unnamed stream and its tributaries entering Moosehead Lake at East Cove through Greenville Village—Class C.

XIV. Unnamed stream and its tributaries entering Moosehead Lake at West Cove through Greenville Junction—Class C.

XV. Montsweag Brook and tributaries not otherwise defined.—Class B-1.

APPROVED

CHAPTER

## STATE OF MAINE

MAR 5 '65

42

BY GOVERNOR

PUBLIC LAW

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

H. P. 928 — L. D. 1266

**AN ACT to Promote the Production of Sugar Beets in the State and  
Reclassifying Certain Waters in Aroostook County.**

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

Whereas, the development and expansion of the economy of the State is of vital importance and concern to the people of Maine; and

Whereas, the production of sugar beets in Aroostook County has been determined as commercially feasible and has encouraged capital investment in the production and development of a sugar beet industry; and

Whereas, the realization of another important agricultural industry in Aroostook County will provide employment and business opportunities which will benefit the people of Aroostook County and Maine; and

Whereas, the following legislation is vitally necessary for the installation and operation of one of the factories which will make the sugar beet industry a reality in this 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:*

**Sec. 1. R. S., T. 38, § 368, sub-§§ 2 & 9, amended.** Subsections 2 and 9 of that part of section 368 of Title 38 of the Revised Statutes, which relates to the Meduxnekeag River Basin, are amended to read as follows:

'2. All segments and tributaries of Prestile Stream, not otherwise defined, above the international boundary—Class ~~B~~ D.'

'9. Prestile Stream, main stem, from the bridge at Westfield to the international boundary in the Town of Bridgewater—Class ~~B-2~~ D.'

**Sec. 2. R. S., T. 38, § 368, sub-§ 1-A, additional.** That part of section 368 of Title 38 of the Revised Statutes, which relates to the Main Stem, St. John River-Unclassified, is amended by adding a new subsection 1-A, to read as follows:

'1-A. Prestile Stream—Class D.'

**Sec. 3. Effective date.** The new classifications hereinabove stated shall not

become effective until a sugar beet refinery has been constructed and sugar beet refinery machinery installed in said refinery, on, near or adjacent to Prestile Stream, Aroostook County.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

\_\_\_\_\_

IN HOUSE OF REPRESENTATIVES, ..... 1965

Read three times and passed to be enacted.

..... *Speaker*

\_\_\_\_\_

IN SENATE, ..... 1965

Read twice and passed to be enacted.

..... *President*

\_\_\_\_\_

Approved ..... 1965

..... *Governor*

MAR 2 '67

18

STATE OF MAINE

BY GOVERNOR

PUBLIC LAW

IN THE YEAR OF OUR LORD NINETEEN HUNDRED SIXTY-SEVEN

H. P. 237 — L. D. 345

AN ACT Reclassifying Certain Inland Waters of the Meduxnekeag River Basin.

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

Sec. 1. R. S., T. 38, § 368, amended. Subsections 2 and 9 of that part of section 368 of Title 38 of the Revised Statutes, as amended by section 1 of chapter 42 of the public laws of 1965, which relates to waters captioned Meduxnekeag River Basin, are further amended to read as follows:

2. All segments and tributaries of Prestile Stream, not otherwise defined, above the international boundary—Class D C.

9. Prestile Stream, main stem, from the bridge at Westfield to the international boundary in the Town of Bridgewater—Class D C.

Sec. 2. P. L., 1965, c. 42, § 3, repealed. Section 3 of chapter 42 of the public laws of 1965 is repealed, as follows:

Sec. 3. Effective date. The new classifications hereinabove stated shall not become effective until a sugar beet refinery has been constructed and sugar beet refinery machinery installed in said refinery, on, near or adjacent to Prestile Stream, Aroostook County.

IN HOUSE OF REPRESENTATIVES,.....1967

Read three times and passed to be enacted.

.....Speaker

IN SENATE,.....1967

Read twice and passed to be enacted.

.....President

Approved ..... 1967

.....Governor