

# MAINE STATE LEGISLATURE

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June 1, 1945

Hon. Frank E. Southard,  
Sanitary Water Board

I have your letter of May 22nd, asking two questions relating to the interpretation of Chapter 345, P. L. 1945, pertaining to the Sanitary Water Board.

Your first question relates to the rights to pollute of industries now or heretofore operated on the effective date under the provisions of Section 3 of said act, without a license. Inasmuch as said section provides that no application for a license shall be required for any manufacturing plant or establishment now or heretofore operated for any such discharge at its present general location, such license being hereby granted, my opinion is that if any manufacturing plant desires to increase pollution, as set forth in the example in your letter, it should apply to the Sanitary Water Board for a license to do so, and I agree with you that it was the intent of the legislature to control pollution rather than to extend pollution, and that it did not intend to give unlimited rights of future pollution to industries or manufacturing plants in full operation when the provisions of this act take effect.

Your second question involves the procedure of the Board in regard to the time element of the licenses to be granted by the Board when this act becomes effective. You wish to know whether the Board has authority to impose a reasonable time limit on these licenses.

In my opinion, under the licensing feature of this act, the Board has authority to impose a reasonable limitation on these licenses, under the provisions of paragraph 3 of Section 1 of Chapter 72, R. S. 1944, as amended by Chapter 345, P. L. 1945. Your suggestion of annual licenses meets with my approval, and it would give the Sanitary Water Board a close check upon the licenses. If they violated their rights under the license, the Sanitary Water Board could order the license revoked, or we could bring injunction proceedings to enjoin further violation, under §6.

You may rest assured that this office is willing to cooperate with the Board in enforcing all provisions of this act. If representatives of some industries still contend that they interpret Section 3 as giving present industries the right to increase pollution to any extent they desire, subject only to the limitations of Section 7, there should be an amendment offered to this bill at the next special or regular session of the legislature.

Ralph W. Farris  
Attorney General

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