

MAINE STATE LEGISLATURE

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August 18, 1953

To Roland H. Cobb, Commissioner, Inland Fisheries and Game
Re: Stream Pollution

This is in reply to yours of July 15th re prevention of saw mills from putting sawdust, etc., into streams.

Chapter 128, Section 7, of the Revised Statutes provides that the erection, continuance or use of any building or place for the exercise of a trade, employment or manufacture corrupting or rendering unwholesome or impure the water of a river, stream or pond, is declared to be a public nuisance.

The following section, 8, provides that the municipal officers of a town, when they judge it to be necessary, may assign places therein for the exercise of any trades, employments or manufactures described in Section 7 and may forbid their exercise in other places under penalty of being deemed to be a common nuisance and the liability to be dealt with as such; and that such assignments shall be entered in the records of the town and may be revoked when such officers judge proper.

Section 9 provides that when a place or building so assigned becomes a nuisance, offensive to the neighborhood or injurious to the public health, any person may complain thereof to the Superior Court, etc.

This law appears to make a local problem of such claimed nuisances, and it would seem that this procedure should be used for such cases.

Neal A. Donahue
Assistant Attorney General

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118 Me. 16, 17.