

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

into the estuary. We understand that such a course of action would result in a violation of the classification of this tidal estuary. Revised Statutes, chapter 79, section 4, provides that —

“ . . . it shall be unlawful for any person, corporation, municipality or other legal entity to dispose of any sewage, industrial or other waste, either alone or in conjunction with another or others, in such manner as will lower the quality of the said waters, tidal flats, or section thereof, below the minimum requirements of such classification, and notwithstanding any licenses which may have been granted or issued under sections 8, 9, and 10 hereof.”

It is our opinion that any person who is responsible for adding sewage to a classified water, which sewage violates the classification thereof, infringes upon the provisions of section 4. The manner in which the sewage in question is disposed of in no way alters the fact of violation. The owner of the motel in question, if he carries through the plan outlined in your memo, will be guilty of a violation of section 4 and his actions taken in this connection can be enjoined under the provisions of Revised Statutes, chapter 79, section 12.

THOMAS W. TAVENNER

Assistant Attorney General

August 30, 1962

To: R. W. Macdonald, Chief Engineer, Water Improvement Commission

Re: Laundry and Laundramat Waste

We have your request of August 14th for an opinion with regard to the following question:

“Should a laundry or laundramat undertaking operation at a site provided with a domestic or sanitary sewer alone acquire a waste discharge license before proceeding?”

Revised Statutes, chapter 79, section 8, provides that no person, firm or corporation shall add any pollution to any natural body of water without first obtaining a license from the Commission. This law covers all sources of pollution whether industrial or domestic and prohibits any person from adding pollution to a natural body of water. It does not, however, affect a polluter whose effluent enters an existing sewer or other disposal system prior to entrance into the body of water.

It is our opinion that no license can be required of any person whose pollution empties into a municipal sewer or other man made water course rather than directly into a natural water course.

THOMAS W. TAVENNER

Assistant Attorney General

September 7, 1962

To: Kermit Nickerson, Deputy Commissioner of Education

Re: Authority to Inspect an Academy

You have inquired whether or not the State Board of Education and the