

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
103rd LEGISLATURE

SENATE AMENDMENT "A" to S.P. 635, L.D. 1635, Bill, "An Act Relating to the Water and Air Environmental Improvement Commission."

Amend said Bill by striking out all of section 1.

Further amend said Bill in section 2 by striking out in the 7th line (6th line in L.D. 1635) the figure "8" and inserting in place thereof the following: '8 10'; and by striking out all of the last 2 lines (same in L.D. 1635) and inserting in place thereof the following: 'represent the public generally and, 2 of whom shall represent the conservation interests in the State and 2 other members knowledgeable in matters relating to air pollution.'

Further amend said Bill in section 5 by striking out in the 5th and 6th lines of the 6th paragraph of that part designated "§363" (5th line in L.D. 1635) the underlined words and figures "during at least 16 hours of any 24-hour period"; and by inserting after the underlined words "any time" in the 6th line (same in L.D. 1635) the underlined punctuation and words ',subject, however, to normal natural variations,'

Further amend said Bill in section 5 by striking out in the 4th and 5th lines of the 9th paragraph of that part designated "§363" (4th line in L.D. 1635) the underlined words and figures "during at least 16 hours at any 24-hour period"; and by inserting after the underlined punctuation and words "any time," in the 5th line (same in L.D. 1635) the underlined punctuation and words ',subject, however, to normal natural variations,'

Further amend said Bill in section 5 by striking out all of the 13th paragraph of that part designated "§363" (same in L.D. 1635) and inserting in place thereof the following underlined paragraph:

'The dissolved oxygen content of such waters shall not be less than 5 parts per million for trout and salmon waters and not less than 4 parts per million at any time, subject, however, to normal natural variations, and not less than 4 parts per million for non-trout and non-salmon waters and not less than 3 parts per million at any time, subject, however, to normal natural variations. The numbers of coliform bacteria allowed in these waters shall be only those amounts which will not, in the determination of the commission, indicate a condition harmful to the public health or impair any usages ascribed to this classification.'

Further amend said Bill in section 5 by striking out in the 2nd, 3rd and 4th lines of the 14th paragraph of that part designated "§363" (same in L.D. 1635) the underlined punctuation and words ",except such small amounts as may be attributable to the discharge from facilities providing the best practicable treatment or control"

Further amend said Bill in section 5 by striking out all of the 3rd underlined sentence of the 16th paragraph of that part designated "§363" (same in L.D. 1635) and inserting in place thereof the following underlined sentence: 'Dissolved oxygen of these waters

(MORE)

(Filing No. 279)

shall not be less than 2.0 parts per million, subject, however, to normal natural variations, and shall always be present.'

Further amend said Bill in section 5 by striking out all of the first underlined sentence of the 17th paragraph of that part designated "§363" (same in L. D. 1635) and inserting in place thereof the following underlined sentence: 'These waters shall be free from sludge deposits, solid refuse and floating solids such as oils, grease or scum.'

Further amend said Bill in section 6 by striking out all of the 6th underlined sentence of the 9th paragraph (same in L. D. 1635) and inserting in place thereof the following underlined sentence: 'There shall be no floating solids, settleable solids, oil or sludge deposits attributable to sewage, industrial wastes or other wastes, and no deposit of garbage, cinders, ashes, oils, sludge or other refuse.'

Further amend said Bill in section 6 by striking out all of the first underlined sentence of the 12th paragraph (same in L. D. 1635) and inserting in place thereof the following underlined sentence: 'These waters shall be free from sludge deposits, solid refuse and floating solids such as oils, grease or scum.'

Further amend said Bill in section 11 by striking out all of that part designated "§415" and inserting in place thereof the following:

'§415. Appeals

Any person aggrieved by any order or decision of said commission may, within 30 days after notice of the filing of such order or decision, appeal therefrom to the Superior Court. Notice of the appeal shall be ordered by the court without a jury in the manner and with rights provided by law in other civil actions so heard. The court shall receive in evidence in any proceeding hereunder a transcript of the proceedings before the commission and a copy of the commission's order and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution in violation of this chapter, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.'

(MORE)

Further amend said Bill in section 12 by inserting after paragraph E. of subsection 1 of that part designated "§451" (same in L. D. 1635) the following underlined paragraph:

'After notice to and a hearing with the affected parties, the commission shall issue to any municipality, sewer district, person, firm, corporation or other legal entity, special orders directing such operating results as are necessary to achieve any of the interim goals set out in the above timetable.'

Further amend said Bill in section 12 by striking out all of the last underlined sentence of subsection 1 (same in L. D. 1635).

Further amend said Bill in section 12 by inserting after the underlined word "subchapter" in the last line of subsection 2 (same in L. D. 1635) the following underlined words 'and present such evidence as may be pertinent and relevant to the alleged violation'

Further amend said Bill in section 12 by striking out all of the last 2 underlined paragraphs (same in L. D. 1635) and inserting in place thereof the following underlined paragraphs:

'After consideration of said evidence and argument, or in the event of a failure of the alleged violator to appear on the date set for hearing, the commission shall, as soon thereafter as practicable, make findings of fact and, if it finds that a violation exists, it shall issue an order aimed at ending the violation.'

All orders of the commission shall be enforced by the Attorney General. If any order of the commission is not complied with within the time period specified, the commission shall immediately notify the Attorney General of this fact. Within 30 days thereafter, the Attorney General shall forthwith commence an action in the Superior Court of any county where the violation of the commission's order has occurred. If the commission finds that the discharge of any material into any waters of this State constitutes a substantial and immediate danger to the health, safety or general welfare of any person, persons or property, they shall in addition request the Attorney General to initiate immediate injunction proceedings to prevent such discharge.'

Further amend said Bill by striking out all of section 14 and inserting in place thereof the following:

'Sec. 14. Appropriation. There is appropriated from the General Fund to the Water and Air Environmental Improvement Commission for

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Water Pollution Control the sum of \$12,068 for the fiscal year ending June 30, 1968 and the sum of \$19,579 for the fiscal year ending June 30, 1969. The breakdown shall be as follows:

WATER AND AIR ENVIRONMENTAL		<u>1967-68</u>		<u>1968-69</u>
IMPROVEMENT COMMISSION				

Water Pollution Control

Personal Services	(2)	\$12,068	(2)	\$19,579
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There is also appropriated from the Unappropriated Surplus of the General Fund to the Water and Air Environmental Improvement Commission for Air Pollution Control the sum of \$19,000 for the fiscal year ending June 30, 1968 and the sum of \$17,000 for the fiscal year ending June 30, 1969. The breakdown shall be as follows:

WATER AND AIR ENVIRONMENTAL		<u>1967-68</u>		<u>1968-69</u>
IMPROVEMENT COMMISSION				

Air Pollution Control

Personal Services	(1)	\$12,000	(1)	\$12,000
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Capital Expenditures		<u>7,000</u>		<u>5,000</u>
		\$19,000		\$17,000'

Further amend said Bill by renumbering sections 2 to 14 to be sections 1 to 13.

Proposed by Senator SEWALL of Penobscot.

Reproduced and distributed pursuant to Senate Rule No. 11A.

(Filing No. S-279)

6/19/67