

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1635

S. P. 633

In Senate, May 4, 1967

Reported by Senator Ferguson of Oxford, from Committee on Natural Resources. Printed under Joint Rules No. 18.

JERROLD B. SPEERS, Secretary

Presented by Senator Ferguson of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

**AN ACT Relating to the Water and Air Environmental Improvement
Commission.**

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

Sec. 1. R. S., T. 5, § 2301, sub-§ 1, amended. The last paragraph of subsection 1 of section 2301 of Title 5 of the Revised Statutes is repealed and the following enacted in place thereof:

Water and Air Environmental Improvement Commission.

Sec. 2. R. S., T. 38, § 361, amended. The first sentence of section 361 of Title 38 of the Revised Statutes is amended to read as follows:

The Water and Air Environmental Improvement Commission, as heretofore established and hereinafter in this subchapter called the "commission," shall consist of the Commissioner of Health and Welfare who shall serve during his term of office and 8 members appointed by the Governor with the advice and consent of the Council, 2 of whom shall represent manufacturing interests of the State, 2 of whom shall be representatives of municipalities, 2 of whom shall represent the public generally and 2 of whom shall represent the conservation interests in the State.

Sec. 3. R. S., T. 38, § 361, amended. The 5th and 6th paragraphs of section 361 of Title 38 of the Revised Statutes are amended to read as follows:

It shall be the duty of the commission to study, investigate and from time to time recommend to the persons responsible for the conditions, ways and means, so far as practicable and consistent with the public interest, of controlling the pollution of the air, rivers, waters and coastal flats of the State by the deposit

therein or thereon of municipal sewage, industrial waste and other substances and materials insofar as the same are detrimental to the public health or to animal, fish or aquatic life, or to the practicable and beneficial use of said **air**, rivers, waters and coastal flats. The commission shall make recommendations to each subsequent Legislature with respect to the classification of the rivers, waters and coastal flats and sections thereof within the State, based upon reasonable standards of quality and use.

The commission shall make recommendations to each Legislature with respect to abatement of pollution of the **air**, rivers, waters and coastal flats and sections thereof within the State for the purpose of raising the classifications **or standards** thereof to the highest possible classification **or standards** so far as economically feasible, such recommendations to relate to methods, costs and the setting of time limits for compliance.

Sec. 4. R. S., T. 38, § 362, amended. Section 362 of Title 38 of the Revised Statutes is amended to read as follows:

§ 362. Authority to accept federal funds

The commission is designated the public agency of the State of Maine for the purpose of accepting federal funds in relation to water pollution control, ~~and~~ water resources **and air pollution studies and control**. The commission is authorized, subject to the approval of the Governor and Council, to accept federal funds available for water pollution control, ~~and~~ water resources **and air pollution studies and control** and meet such requirements with respect to the administration of such funds, not inconsistent with this subchapter, as are required as conditions precedent to receiving federal funds. The Treasurer of State shall be the appropriate fiscal officer of the State to receive federal grants on account of water pollution control ~~and~~, water resources **and air pollution studies and control**, and the State Controller shall authorize expenditures therefrom as approved by the commission.

Sec. 5. R. S., T. 38, § 363, repealed and replaced. Section 363 of Title 38 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 363. Standards of classification of fresh waters

The commission shall have 4 standards for the classification of fresh surface waters.

Class A shall be the highest classification and shall be of such quality that it can be used for recreational purposes, including bathing, and for public water supplies after disinfection. The dissolved oxygen content of such waters shall not be less than 75% saturation or as naturally occurs, and contain not more than 100 coliform bacteria per 100 milliliters.

These waters shall be free from sludge deposits, solid refuse and floating solids such as oils, grease or scum. There shall be no disposal of any matter or substance in these waters which would impart color, turbidity, taste or odor other than that which naturally occurs in said waters, nor shall such matter or substance alter the temperature or hydrogen-ion concentration of these waters or contain chemical constituents which would be harmful or offensive to humans or which would be harmful to animal or aquatic life. No radioactive matter or substance

shall be permitted in these waters other than that occurring from natural phenomena.

There shall be no discharge of sewage or other wastes into water of this classification and no deposits of such material on the banks of such waters in such a manner that transfer of the material into the waters is likely. Such waters may be used for log driving or other commercial purposes which will not lower its classification.

Class B, the 2nd highest classification, shall be divided into 2 designated groups as B-1 and B-2.

B-1. Waters of this class shall be considered the higher quality of the Class B group and shall be acceptable for recreational purposes, including bathing, for use as potable water supply after adequate treatment and for a fish and wildlife habitat. The dissolved oxygen of such waters shall be not less than 75% of saturation during at least 16 hours of any 24-hour period and not less than 5 parts per million at any time and contain no more than 300 coliform bacteria per 100 milliliters.

These waters shall be free from sludge deposits, solid refuse and floating solids such as oils, grease or scum. There shall be no disposal of any matter or substance in these waters which imparts color, turbidity, taste or odor which would impair the usages ascribed to this classification nor shall such matter or substance alter the temperature or hydrogen-ion concentration of these waters so as to render such waters harmful to fish or other aquatic life. There shall be no disposal of any matter or substance that contains chemical constituents which are harmful to humans, animal or aquatic life or which adversely affect any other water use in this class. No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animal or aquatic life, and there shall be no disposal of any matter or substance which would result in radio-nuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption. These waters shall be free of any matter or substance which alters the composition of bottom fauna, with adversely affects the physical or chemical nature of bottom material, or which interferes with the propagation of fish.

There shall be no disposal of sewage, industrial wastes or other wastes in such waters, except those which have received treatment for the adequate removal of waste constituents including, but not limited to, solids, color, turbidity, taste, odor or toxic material, such that these treated wastes will not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or render such dangerous for human consumption.

B-2. Waters of this class shall be acceptable for recreational purposes including bathing, for industrial and potable water supplies after adequate treatment, and for a fish and wildlife habitat. The dissolved oxygen of such waters shall not be less than 60% of saturation during at least 16 hours of any 24-hour period and not less than 5 parts per million at any time, and contain no more than 1,000 coliform bacteria per 100 milliliters.

These waters shall be free from sludge deposits, solid refuse and floating solids such as oils, grease or scum. There shall be no disposal of any matter or

substance in these waters which imparts color, turbidity, taste or odor which would impair the usages ascribed to this classification, nor shall such matter or substance alter the temperature or hydrogen-ion concentration of the waters so as to render such waters harmful to fish or other aquatic life. There shall be no disposal of any matter or substance that contains chemical constituents which are harmful to humans, animal or aquatic life, or which adversely affect any other water use in this class. No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animal or aquatic life and there shall be no disposal of any matter or substance which result in radio-nuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption. These waters shall be free of any matter or substance which alters the composition of bottom fauna, which adversely affects the physical or chemical nature of bottom material, or which interferes with the propagation of fish.

There shall be no disposal of sewage, industrial wastes or other wastes in such waters except those which have received treatment for the adequate removal of waste constituents including, but not limited to, solids, color, turbidity, taste, odor or toxic material, such that these treated wastes will not lower the standards or alter the usages of this classification, nor shall such disposal of sewerage or waste be injurious to aquatic life or render such dangerous for human consumption.

Class C waters, the 3rd highest classification, shall be of such a quality as to be satisfactory for recreational boating and fishing, for a fish and wildlife habitat and for other uses except potable water supplies and swimming, unless such waters are adequately treated. The dissolved oxygen content of such waters shall not be less than 5 parts per million for trout and salmon waters during at least 16 hours of any 24-hour period and not less than 4 parts per million at any time and not less than 4 parts per million for non-trout and non-salmon waters during at least 16 hours of any 24-hour period and not less than 3 parts per million at any time. 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.

These waters shall be free from sludge deposits, solid refuse and floating solids such as oils, grease or scum, except such small amounts as may be attributable to the discharge from facilities providing the best practicable treatment or control. There shall be no disposal of any matter or substance in these waters which imparts color, turbidity, taste or odor which would impair the usages ascribed to this classification, nor shall such matter or substance alter the temperature or hydrogen-ion content of the waters so as to render such waters harmful to fish or other aquatic life. There shall be no disposal of any matter or substance that contains chemical constituents which are harmful to humans, animal or aquatic life or which adversely affect any other water use in this class. No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animal or aquatic life and there shall be no disposal of any matter or substance which would result in radio-nuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption.

There shall be no disposal of sewage, industrial wastes or other wastes in such waters, except those which have received treatment for the adequate removal of waste constituents including, but not limited to, solids, color, turbidity, taste, odor or toxic material, such that these treated wastes will not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or render such dangerous for human consumption.

Class D waters shall be assigned only where a higher water classification cannot be attained after utilizing the best practicable treatment or control of sewage or other wastes. Waters of his class may be used for power generation, navigation and industrial process waters after adequate treatment. Dissolved oxygen of these waters shall not be less than 2.0 parts per million for a least 16 hours at any 24-hour period and shall always be present. 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.

These waters shall be free from sludge deposits, solid refuse and floating solids such as oils, grease or scum, except such small amounts as may be attributable to the discharge from facilities providing the best practicable treatment or control. There shall be no disposal of any matter or substance in these waters which imparts color, turbidity, taste or odor which would impair the usages ascribed to this classification, nor shall such matter or substance alter the temperature or hydrogen-ion concentration of the waters to impair the usages of this classification. There shall be no disposal of any matter or substance that contains chemical constituents which are harmful to humans or which adversely affects any other water use in this class. No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animal or aquatic life and there shall be no disposal of any matter or substance which would result in radionuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption.

There shall be no disposal of sewage, industrial wastes or other wastes in such waters, except those which have received treatment for the adequate removal of waste constituents including, but not limited to, solids, color, turbidity, taste, odor or toxic material, such that these treated wastes will not lower the standards or alter the usages of this classification. Treated wastes discharging to these waters shall not create a public nuisance as defined in Title 17, section 2802, by the creation of odor-producing sludge banks and deposits or other nuisance conditions.

With respect to all classifications hereinbefore set forth, the commission may take such actions as may be appropriate for the best interest of the public, when it finds that any such classification is temporarily lowered due to abnormal conditions of temperature or stream flow.

Sec. 6. R. S., T. 38, § 364, repealed and replaced. Section 364 of Title 38 of the Revised Statutes is repealed and the following enacted in place thereof:

The commission shall have 5 standards for classification of tidal or marine waters as follows:

Marine waters shall include the waters of the Atlantic Ocean, its bays, inlets, etc., to mean high tide within 3 nautical miles from the coast line and all other tidal waters within the State generally subject to the rise and fall of the tides. In estuaries or coastal streams subject to the rise and fall of the tides, tidal or marine water classifications shall apply unless otherwise specified by statute.

Class SA, shall be suitable for all clean water usages, including bathing and fishing. Such waters shall be suitable for the harvesting and propagation of shellfish and for a fish and wildlife habitat. These waters shall contain not less than 6.0 parts per million of dissolved oxygen at all times. The median numbers of coliform bacteria in any series of samples representative of waters in the shellfish growing area or non-shellfish growing area shall not be in excess of 70 per 100 milliliters, nor shall more than 10% of the samples exceed 230 coliform bacteria per 100 milliliters. 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. There shall be no discharge of sewage or other wastes, except those which have received treatment for the adequate removal of waste constituents including, but not limited to, solids, color, turbidity, taste, odor or toxic material, such that these treated wastes will not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or render such dangerous for human consumption.

There shall be no toxic wastes, deleterious substances, colored or other waste or heated liquids discharged to waters of this classification either singly or in combinations with other substances or wastes in such amounts or at such temperature as to be injurious to edible fish or shellfish or to the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color, odor or sanitary condition thereof; and otherwise none in sufficient amounts to make the waters unsafe or unsuitable for bathing or impair the waters for any other best usage as determined for the specific waters assigned to this class. There shall be no disposal of any matter or substances that contains chemical constituents which are harmful to humans, animal or aquatic life or which adversely affect any other water use in this class. No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animal or aquatic life and there shall be no disposal of any matter or substance which would result in radio-nuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption. These waters shall be free of any matter or substance which alters the composition of bottom fauna, which adversely affects the physical or chemical nature of bottom material, or which interferes with the propagation of fish or shellfish if indigenous to the area.

Class SB-1 shall be suitable for all clean water usages including bathing and fishing. Such waters shall be suitable for the harvesting and propagation of shellfish, and for a fish and wildlife habitat. These waters shall contain not less than 6.0 parts per million of dissolved oxygen at all times. The median numbers of coliform bacteria in any series of samples representative of waters in the shellfish growing area shall not be in excess of 70 per 100 milliliters, nor shall more than 10% of the samples exceed 230 coliform bacteria per 100 milliliters. In a non-shellfish growing area the median numbers of coliform bacteria in a series

of samples representative of the waters shall not exceed 240 per 100 milliliters, nor shall more than 10% of the samples exceed 500 coliform bacteria per 100 milliliters. There shall be no floating solids, settleable solids, oil or sludge deposits attributable to sewage, industrial waste or other wastes and no deposit of garbage, cinders, ashes, oils, sludge or other refuse. There shall be no discharge of sewage or other wastes, except those which have received treatment for the adequate removal of waste constituents including, but not limited to, solids, color, turbidity, taste, odor or toxic material, such that these treated wastes will not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or render such dangerous for human consumption.

There shall be no toxic wastes, deleterious substances, colored or other wastes or heated liquids discharged to waters of this classification, either singly or in combination with other substances or wastes in such amounts or at such temperatures as to be injurious to edible fish or shellfish or to the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color, odor or sanitary condition thereof; and otherwise none in sufficient amounts to make the waters unsafe or unsuitable for bathing or impair the waters for any other best usage as determined for the specific waters which are assigned to this class. There shall be no disposal of matter or substance that contains chemical constituents which are harmful to humans, animal or aquatic life or which adversely affect any other water use in this class. No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animal or aquatic life and there shall be no disposal of any matter or substance which would result in radio-nuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption. These waters shall be free of any matter or substance which alters the composition of bottom fauna, which adversely affects the physical or chemical nature of bottom material or which interferes with the propagation of fish or shellfish if indigenous to the area.

Class SB-2 shall be suitable for recreational usages, including bathing and fishing. Such waters shall be suitable for the harvesting and propagation of shellfish, for a fish and wildlife habitat, and suitable for industrial cooling and process uses. These waters shall contain not less than 6.0 parts per million of dissolved oxygen at all times. The median numbers of coliform bacteria in any series of samples representative of waters in the shellfish growing area shall not be in excess of 70 per 100 milliliters, nor shall more than 10% of the samples exceed 230 coliform bacteria per 100 milliliters. In a non-shellfish growing area the median numbers of coliform bacteria in a series of samples representative of the waters shall not exceed 500 per 100 milliliters, nor shall more than 10% of the samples exceed 1,000 coliform bacteria per 100 milliliters. 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. There shall be no discharge of sewage or other wastes, except those which have received treatment for the adequate removal of waste constituents including, but not limited to, solids, color, turbidity, taste, odor or toxic material, such that these treated wastes will not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or render such dangerous for human consumption.

There shall be no toxic wastes, deleterious substances, colored or other wastes or heated liquids discharged to waters of this classification either singly or in combination with other substances or wastes in such amounts or at such temperatures as to be injurious to edible fish or shellfish or to the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color, odor or sanitary condition thereof; and otherwise none in sufficient amounts to make the waters unsafe or unsuitable for bathing or impair the waters for any other best usage as determined for the specific waters assigned to this class. There shall be no disposal of any matter or substance that contains chemical constituents which are harmful to humans, animal or aquatic life or which adversely affect any other water use in this class. No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animal or aquatic life and there shall be no disposal of any matter or substance which would result in radio-nuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption. These waters shall be free of any matter or substance which alters the composition of bottom fauna, which adversely affects the physical or chemical nature of bottom material, or which interferes with the propagation of fish or shellfish if indigenous to this area.

Class SC, the 4th highest classification, shall be of such quality as to be satisfactory for recreational boating, fishing and other similar uses except bathing. Such waters may be used for the propagation of indigenous shellfish to be harvested for depuration purposes, for a fish and wildlife habitat, and for industrial cooling and process use. The dissolved oxygen content of such waters shall not be less than 5 parts per million at any time. The median numbers of coliform bacteria in any series of samples representative of waters in the shellfish growing area shall not be in excess of 700 per 100 milliliters, nor shall more than 10% of the samples exceed 2,300 coliform bacteria per 100 milliliters. In a non-shellfish growing area the number 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 specifically ascribed to this class water. There shall be no floating solids, settleable solids, oil or sludge deposits attributable to sewage, industrial wastes or other wastes, except such small amounts as may be attributable to the discharge from facilities providing the best practicable treatment or control and no deposit of garbage, cinders, ashes, oils, sludge or other refuse. There shall be no discharge of sewage or other wastes, except those which have received treatment for the adequate removal of waste constituents including, but not limited to, solids, color, turbidity, taste, odor or toxic materials, such that these treated wastes will not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or render such dangerous for human consumption.

There shall be no toxic wastes, deleterious substances, colored or other wastes or heated liquids discharged to waters of this classification either singly or in combinations with other substances or wastes in such amounts or at such temperatures as to be injurious to edible fish or shellfish or to the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color or odor thereof or impair the waters for any other usage ascribed to waters of this classification. There shall be no disposal of any matter or substance that con-

tains chemical constituents which are harmful to humans, animal or aquatic life or which adversely affect any other water use in this class. No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animal or aquatic life and there shall be no disposal of any matter or substance which would result in radio-nuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption.

Class SD waters shall be assigned only where a higher water classification cannot be attained after utilizing the best practicable treatment or control of sewage or other wastes. Waters of this class may be used for power generation, navigation, industrial process waters or cooling waters, and for migration of fish. Dissolved oxygen of these waters shall not be less than 3.0 parts per million at any time. 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.

These waters shall be free from sludge, deposits, solid refuse and floating solids such as oils, grease or scum, except such small amounts as may be attributable to the discharge from facilities providing the best practicable treatment or control. There shall be no disposal of any matter or substance in these waters which imparts color, turbidity, taste or odor which would impair the usages ascribed to this classification, nor shall such matter or substance alter the temperature or hydrogen-ion concentration of the waters so as to impair the usages of this classification. There shall be no disposal of any matter or substance that contains chemical constituents which harmful to humans or which adversely affect any other water use in this class. No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animal or aquatic life and there shall be no disposal of any matter or substance which would result in radio-nuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption.

There shall be no disposal of sewage, industrial wastes or other wastes in such waters, except those which have received treatment for the adequate removal of waste constituents including, but no limited to, solids, color, turbidity, taste, odor or toxic material, such that these treated wastes will not lower the standards or alter the usages of this classification. Treated wastes discharging to these waters shall not create a public nuisance as defined in Title 17, section 2802, by the creation of odor-producing sludge banks and deposits or other nuisance conditions.

With respect to all classifications hereinbefore set forth, the commission may take such actions as may be appropriate for the best interests of the public, when it finds that any such classification is temporarily lowered due to abnormal conditions of temperature or stream flow.

Sec. 7. R. S., T. 38, § 366, amended. Section 366 of Title 38 of the Revised Statutes is amended to read as follows:

§ 366. Cooperation with other departments and agencies

The commission is authorized to cooperate with other departments or agencies of this State and with any other state or states and with the Federal Govern-

ment for the purpose of carrying out this subchapter relating to **air, and** rivers and waters which run through this State and any other state or states. Said commission is authorized to cooperate with the Federal Government for the purpose of carrying out this subchapter relating to any and all rivers and waters which, in whole or in part, are located in or run through this State.

Sec. 8. R. S., T. 38, § 368, amended. That part of section 368 of Title 38 of the Revised Statutes which relates to "West Branch Penobscot River Drainage System", as amended by section 2 of chapter 179 of the public laws of 1965, is repealed and the following enacted in place thereof:

Schedule of Completion Applicable to Certain Waters of the Penobscot River Basin

1. The classification set forth as follows shall become effective on October 1, 1965.

A. Subsections 1, 2 and 3 under main stem;

B. Subsection 5 under West Branch Penobscot River Drainage System.

2. A municipality, sewer district, person, firm, corporation or other legal entity shall not be deemed in violation of these sections at any time or times prior to October 1, 1976 with respect to those classifications if by such time or times he or it with respect to any project necessary to achieve compliance with applicable classification shall have completed all steps required to then be completed by the following schedule.

A. Preliminary plans and engineer's estimates involving municipal and other publicly owned projects shall be completed on or before October 1, 1968 and plans for required abatement steps by others shall be submitted and approved not later than October 1, 1969.

B. Arrangements for administration and financing shall be completed on or before October 1, 1971. In the case of municipal projects this period is to include definite scheduling of grants-in-aid.

C. Detailed plans and specifications shall be approved by the Water and Air Environmental Improvement Commission and construction begun prior to June 1, 1973.

D. All requirements are to be completed and in operation on or before October 1, 1976.

Sec. 9. R. S., T. 38, § 370, amended. Subsection 24 of that part of section 370 of Title 38 of the Revised Statutes, which relates to "Hancock County" is repealed and the following enacted in place thereof:

24. **Exceptions.**

A. A municipality, sewer district, person, firm, corporation or other legal entity shall not be deemed subject to penalty under this subchapter at any time prior to October 1, 1976 with respect to any of said classifications in Hancock County if by such time he or it, with regard to facilities designed to achieve

compliance with the applicable classification shall have completed all the steps required to be then completed by the following schedule:

- (1) Preliminary plans and engineers' estimates shall be completed and submitted to the Water and Air Environmental Improvement Commission on or before October 1, 1969.
- (2) Arrangements for administration and financing shall be completed on or before October 1, 1971.
- (3) Detailed engineering and final plan formulation shall be completed on or before January 1, 1972.
- (4) Detailed plans and specifications shall be approved by the Water and Air Environmental Improvement Commission and construction begun prior to June 1, 1973.
- (5) Construction shall be completed and in operation on or before October 1, 1976.

Sec. 10. R. S., T. 38, § 370, amended. Subsection 8 of that part of section 370 of Title 38 of the Revised Statutes, which relates to "Waldo County", as enacted by section 7 of chapter 179 of the public laws of 1965, is repealed and the following enacted in place thereof:

8. Effective date.

A. The classifications set forth in subsection 7 shall become effective on October 1, 1965. A municipality, sewer district, person, firm, corporation or other legal entity shall not be deemed in violation of these sections at any time or times prior to October 1, 1976 with respect to those classifications if by such time or times he or it with respect to any project necessary to achieve compliance with the applicable classification shall have completed all steps required to then be completed by the following schedule:

- (1) Preliminary plans and engineer's estimates involving municipal and other publicly owned projects shall be completed on or before October 1, 1968 and plans for required abatement steps by others shall be submitted and approved not later than October 1, 1969.
- (2) Arrangements for administration and financing shall be completed on or before October 1, 1971. In the case of municipal projects this period is to include definite scheduling of grants-in-aid.
- (3) Detailed plans and specifications shall be approved by the Water and Air Environmental Improvement Commission and construction begun prior to June 1, 1973.
- (4) All requirements are to be completed and in operation on or before October 1 1976.

Sec. 11. R. S., T. 38, § 415, repealed and replaced. Section 415 of Title 38 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 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 Administrative Hearing Commissioner as designated by Title 5, chapter 301 to 307 by presenting a copy of such order or decision, certified by the secretary of said commission, to said Administrative Hearing Commissioner. The Administrative Hearing Commissioner shall fix a time and place for hearing thereon. The commission shall submit to the Administrative Hearing Commissioner the printed record of the hearing certified by the secretary of the commission. The Administrative Hearing Commissioner, giving due consideration to the practicability and to the physical and economic feasibility of complying with any order or decision of said commission, shall enter his findings and decree in such manner and to such extent as he determines the public interest and the equities of the case may require. The above criteria shall, in addition, be considered by the Administrative Hearing Commissioner in any appeal under section 451 and by any court of law on an appeal from a decree by the Administrative Hearing Commissioner.

Sec. 12. R. S., T. 38, § 451, repealed and replaced. Section 451 of Title 38 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 451. Enforcement generally

After adoption of any classification by the Legislature for surface waters or tidal flats or sections thereof, 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, after reasonable opportunity for dilution and mixture, lower the quality of any significant segment of said waters, tidal flats or sections thereof, affected by this discharge, below the minimum requirements of such classification, and notwithstanding any licenses which may have been granted or issued under sections 413 to 415.

1. Time schedule. A municipality, sewer district, person, firm, corporation or other legal entity shall not be deemed in violation of any classification or reclassification adopted on or after January 1, 1967, at any time or times prior to October 1, 1976, with respect to those classifications if by such time or times he or it with respect to any project necessary to achieve compliance with the applicable classification shall have completed all steps required to then be completed by the schedules set forth in this subchapter.

A. Preliminary plans and engineers' estimates shall be completed and submitted to the Water and Air Environmental Improvement Commission on or before October 1, 1969.

B. Arrangements for administration and financing shall be completed on or before October 1, 1971. This period, in the case of municipalities, shall encompass all financing including obtaining of state and federal grants.

C. Detailed engineering and final plan formulation shall be completed on or before October 1, 1972.

D. Review of final plans with the Water and Air Environmental Improvement Commission shall be completed and construction commenced on or before October 1, 1973.

E. Construction shall be completed and in operation on or before October 1, 1976.

Notwithstanding the foregoing timetable, if the commission shall determine that any municipality, sewer district, person, firm, corporation or other legal entity can reasonably complete any or all of the foregoing steps at an earlier date or dates than herein provided, the commission, after notice and hearing, may order completion of any such steps according to an accelerated schedule.

In determining any such time, or times, to be allotted under the foregoing provision for an accelerated schedule, the commission shall consider, but not necessarily be limited to the following factors: The availability of municipal, quasi-municipal, state, federal or other funds, of technical and engineering advice and services, of machinery, construction materials and manpower necessary to construct any proposed abatement facility, and the state of the art of pollution abatement technology. Notwithstanding any contrary provisions, the commission may, for good cause shown, from time to time extend any time limits established by or under this subchapter.

2. Hearing and order for violation. Whenever it appears to the commission after investigation that there is a violation of this subchapter, the alleged violator shall be given written notice setting forth any act done or omitted to be done which is claimed to be in violation of this subchapter. At the written request, within 10 days of receipt of said notice, of the alleged violator, the commission shall at a time and place set by the commission hold a hearing, at which time the person complained against may appear in person or by attorney and answer the allegations of violation and file a statement of the facts including the methods, practices and procedures, if any, adopted or used by the alleged violator to comply with the provisions of this subchapter.

The alleged violator and the commission may present such evidence as may be pertinent and relevant to the alleged violation. The burden of proof with respect to any such alleged violation shall be upon the commission. 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 make findings of fact and may issue such order as it deems appropriate under the circumstances and shall notify the person, firm, municipality or other legal entity complained against thereof by registered mail.

In the event such orders are not complied with within such time as the commission shall stipulate, appropriate legal action shall be instituted by the commission to enforce compliance or to punish violators. Any person, corporation, municipality or other legal entity aggrieved by any such order of the commission shall have the right of appeal in similar manner as is provided for appeals under section 415. On the basis of evidence which is pertinent to the issue, the Administrative Hearing Commissioner shall enter his findings and issue his decision affirming, modifying or revoking the order of the commission.

Sec. 13. R. S., T. 38, c. 3, sub-c. 1, Art. 4, additional. Subchapter 1 of chapter 3 of Title 38 of the Revised Statutes is amended by adding a new Article 4 to read as follows:

Article 4 Air Pollution and Environmental Improvement

§ 460. Powers and duties

In addition to the powers and duties hereinbefore specified in this Title with respect to water, the Water and Air Environmental Improvement Commission is authorized, empowered and directed to conduct a study or studies including such research and investigation as may be necessary relating to air pollution, its causes, effects, a possible prevention, control and abatement and shall make a report of its findings, including recommendations for future action, to the 104th Legislature in regular session.

In the conduct of the aforesaid study or studies, the commission shall collect and disseminate information relating to air pollution, its prevention and control; encourage voluntary cooperation by persons, towns, cities and counties or others in preserving a reasonable degree of purity of air within this State; encourage authorized local air pollution agencies within the State to solve air pollution problems within its or their respective jurisdictions insofar as the same may reasonably be done; provide technical assistance to political subdivisions upon request for furtherance of air pollution studies as well as technical assistance to industries which are endeavoring to reduce, control or eliminate air pollution; accept and administer grants or other funds or gifts for the purpose of carrying out any of the provisions of this Title and budget and receive duly appropriated moneys for expenditures to carry out the purposes of this Title.

§ 461. Definitions

The following terms as used in this Title shall, unless the context otherwise requires, have the following meanings:

1. **Air contaminants.** "Air contaminants" include but are not limited to dust, fumes, gas, mist, particulate matter, smoke or vapor or any combination thereof.

2. **Air pollution.** "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life and property.

3. **Person.** "Person" is any individual, partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, municipality or any other legal entity, or their representative, agent or assigns.

§ 462. Cooperation and penalties

Persons engaged in operations which may result in or contribute to air pollution shall supply information when available about pollution, including but not limited to composition of effluents, sources of emission and rates of discharge. However, no person shall be required to disclose any secret formulae, processes or methods used by any manufacturing operation carried on by him or under his direction.

Any person who violates any of the provisions of this Title, or who fails to perform any duty imposed by this Title shall be guilty of a misdemeanor, and in addition thereto may be enjoined by a court of competent jurisdiction from continuing such violation.

§ 463. Ordinances

Nothing in this Title shall prevent towns, cities or counties from enacting ordinances with respect to air pollution which will not conflict with this Title and which are designed to effectuate the general intent and purpose expressed in this Title.

Sec. 14. Appropriation. There is appropriated from the General Fund to the Water and Air Environmental Improvement Commission the sum of \$25,000 for the fiscal year ending June 30, 1968 and the sum of \$25,000 for the fiscal year ending June 30, 1969. The breakdown shall be as follows :

	1967-68	1968-69
WATER AND AIR ENVIRONMENTAL IMPROVEMENT COMMISSION		
Personal Services	(3) \$16,000	(3) \$17,000
All Other	9,000	8,000
	<hr/> \$25,000	<hr/> \$25,000