

MAINE STATE LEGISLATURE

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SECOND SPECIAL SESSION

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1781

H. P. 1275

House of Representatives, January 9, 1968

Referred to Committee on Natural Resources. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Brown of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-EIGHT

AN ACT Relating to Water and Air Environmental Improvement Commission.

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

Sec. 1. R. S., T. 38, § 363, amended. The last sentence of the 6th paragraph of section 363 of Title 38 of the Revised Statutes, as repealed and replaced by section 4 of chapter 475 of the public laws of 1967, is amended to read as follows:

The dissolved oxygen of such waters shall be not less than 75% of saturation, ~~subject, however, to normal natural variations during 16 consecutive 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.

Sec. 2. R. S., T. 38, § 363, amended. The 2rd sentence of the 7th paragraph of section 363 of Title 38 of the Revised Statutes, as repealed and replaced by section 4 of chapter 475 of the public laws of 1967, is amended to read as follows:

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.~~ The hydrogen-ion concentration (pH) of these waters shall be between the limits of 6.5 and 8.0 and no matter or substance shall be discharged into such waters which causes the pH thereof to vary more than 0.5. There shall be no disposal of any matter or substance which causes the temperature of these waters to exceed 83°F in warm water fisheries or 68°F in cold water fisheries, and in any case such disposal shall not raise the temperature of such waters more than 4°F.

Sec. 3. R. S., T. 38, § 363, amended. The last sentence of the 9th paragraph of section 363 of Title 38 of the Revised Statutes, as repealed and replaced by section 4 of chapter 475 of the public laws of 1967, is amended to read as follows:

The dissolved oxygen of such waters shall not be less than 60% of saturation, ~~subject, however, to normal natural variations during 16 consecutive 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.

Sec. 4. R. S., T. 38, § 363, amended. The 2nd sentence of the 10th paragraph of section 363 of Title 38 of the Revised Statutes, as repealed and replaced by section 4 of chapter 475 of the public laws of 1967, is amended to read as follows:

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.~~ The hydrogen-ion concentration (pH) of these waters shall be between the limits of 6.5 and 8.0 and no matter or substance shall be discharged into such waters which causes the pH thereof to vary more than 0.5. There shall be no disposal of any matter or substance which causes the temperature of these waters to exceed 83°F in warm water fisheries or 68°F in cold water fisheries, and in any case such disposal shall not raise the temperature of such waters more than 4°F.

Sec. 5. R. S., T. 38, § 363, amended. The 13th paragraph of section 363 of Title 38 of the Revised Statutes, as repealed and replaced by section 4 of chapter 475 of the public laws of 1967, is amended to read as follows:

The dissolved oxygen content of such waters shall not be less than 5 parts per million for trout and salmon waters ~~subject, however, to normal natural variations~~ and not less than 4 parts per million for non-trout and non-salmon waters ~~subject, however, to normal natural variations.~~ The numbers of coliform bacterial 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~~ not exceed an average of 2400 per 100 milliliters during any 10-day period, and no more than 20% of samples taken during such 10-day period shall contain in excess of 4200 per 100 milliliters.

Sec. 6. R. S., T. 38, § 363, amended. The 2nd sentence of the 14th paragraph of section 363 of Title 38 of the Revised Statutes, as repealed and replaced by section 4 of chapter 475 of the public laws of 1967, is amended to read as follows:

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.~~ The hydrogen-ion concentration (pH) of these waters shall be between the limits of 6.0 and 8.5 and no matter or substance shall be discharged into such waters which causes the pH thereof to vary more than 0.5. There shall be no disposal of any matter or substance which causes the tem-

perature of these waters to exceed 83°F in warm water fisheries or 68°F in cold water fisheries, and in any case such disposal shall not raise the temperature of such waters more than 4°F.

Sec. 7. R. S., T. 38, § 363, amended. The 3rd sentence of the 16th paragraph of section 363 of Title 38 of the Revised Statutes, as repealed and replaced by section 4 of chapter 475 of the public laws of 1967, is amended to read as follows:

Dissolved oxygen of these waters shall not be less than 2.0 parts per million ~~subject, however, to normal natural variations, and shall always be present at any time.~~

Sec. 8. R. S., T. 38, § 363, amended. The 2nd sentence of the 17th paragraph of section 363 of Title 38 of the Revised Statutes, as repealed and replaced by section 4 of chapter 475 of the public laws of 1967, is amended to read as follows:

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.~~ The hydrogen-ion concentration (pH) of these waters shall be between the limits of 6.0 and 9.0. There shall be no disposal of any matter or substance which causes a temperature increase of such a magnitude to impair water usages assigned to this class water, and in no case shall such disposal cause temperatures of these waters to exceed 90°F.

Sec. 9. R. S., T. 38, § 364, amended. The 4th sentence of 9th paragraph of section 364 of Title 38 of the Revised Statutes, as repealed and replaced by section 5 of chapter 475 of the public laws of 1967, is amended to read as follows:

In a non-shellfish growing area 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 specifically ascribed to this class water~~ shall not exceed an average of 2400 per 100 milliliters during any 10-day period, and no more than 20% of samples taken during such 10-day period shall contain an excess of 4200 per 100 milliliters.

Sec. 10. R. S., T. 38, § 369, amended. The last sentence of the first paragraph of section 369 of Title 38 of the Revised Statutes is repealed.

Sec. 11. R. S., T. 38, § 414, sub-§ 3, amended. Subsection 3 of section 414 of Title 38 of the Revised Statutes is amended to read as follows:

3. General. Any license to so discharge granted by the commission may contain such terms or conditions with respect to the discharge as in the commission's determination will best achieve the standards set forth in section 363 or section 364.

A full and complete record shall be kept of all proceedings had before the commission and all testimony shall be taken by a stenographer.

Sec. 12. R. S., T. 38, § 416, amended. The last paragraph of section 416 of Title 38 of the Revised Statutes is repealed.

Sec. 13. R. S., T. 38, § 451, sub-§ 2, amended. The first paragraph of subsection 2 of section 451 of Title 38 of the Revised Statutes, as repealed and replaced by section 11 of chapter 475 of the public laws of 1967, is repealed and the following enacted in place thereof:

Whenever it appears to the commission after investigation that a violation of this subchapter is being committed, the commission shall schedule a hearing thereon and shall notify the alleged violator in writing of the time and place of such hearing and shall set forth in said writing the act done or omitted to be done which is claimed to be in violation of the subchapter. At such hearing the alleged violator 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 violators to comply with the provisions of this subchapter and present such evidence as may be pertinent and relevant to the alleged violation.