

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
104th LEGISLATURE

COMMITTEE AMENDMENT " A " to H. P. 905, L. D. 1166, Bill, "AN ACT  
Revising the Water and Air Environmental Improvement Laws."

Amend said Bill by striking out in the 3rd paragraph of section 1  
all of the 4th sentence which reads as follows:

"There shall be no discharge of waste into these waters which will  
raise the temperature of the receiving waters more than 3° C, nor shall  
said discharge ever raise the temperature of any body of water beyond  
a maximum temperature of 20° C for trout and salmon waters, or beyond  
a maximum temperature of 28° C for nontrout and nonsalmon waters."

Further amend said Bill by striking out in the 6th paragraph of  
section 1 all of the 5th sentence which reads as follows:

"There shall be no discharge of waste into these waters which will raise  
the temperature of the receiving waters more than 3° C, nor shall said  
discharge ever raise the temperature of any body of water beyond a  
maximum temperature of 20° C for trout and salmon waters, or beyond  
a maximum temperature of 28° C for nontrout and nonsalmon waters."

Further amend said Bill by striking out in the 10th paragraph of  
section 1 all of the 4th sentence which reads as follows:

"There shall be no discharge of waste into these waters which will  
raise the temperature more than 3° C, nor shall said discharge ever  
raise the temperature of any body of water beyond a maximum temperature  
of 20° C for trout and salmon waters, or beyond a maximum temperature of

(Over)

(Filing No. H-501)

28° C for nontrout and nonsalmon waters."

Further amend said Bill by striking out in the 7th paragraph of section 3 all of the 2nd underlined sentence; and by striking out all of the 2nd underlined sentence of the 11th paragraph; and by striking out in the 13th paragraph all of the 2nd underlined sentence; and by striking out in the 17th paragraph all of the 2nd underlined sentence.

Further amend said Bill by inserting after section 3 the following sections:

'Sec. 3-A. R. S., T. 38, §414, sub-§3, amended. The first sentence of subsection 3 of section 414 of Title 38 of the Revised Statutes is amended to read as follows:

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 and 364.

'Sec. 3-B. R. S., T. 38, §415, amended. The last sentence of section 415 of Title 38 of the Revised Statutes, as repealed and replaced by section 10 of chapter 475 of the public laws of 1967, is amended to read as follows:

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 shall require~~ may enter a judgment affirming or nullifying such order or decision, in whole or in part, or remanding the cause to the commission upon such terms as the court may direct.'

(Con't)

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Further amend said Bill by striking out all of the first 2 underlined sentences of the 4th paragraph of section 4 and inserting in place thereof the following:

'There shall be no discharge of grease, oil, gasoline, kerosene or related products into the inland waters or into the marginal sea of this State. Any person, corporation or other party that discharges, or permits to be discharged, grease, oil, gasoline, kerosene and related products into the inland waters or marginal sea of this State shall remove same from said waters.'

Further amend said Bill by striking out all of section 6 and inserting in place thereof the following:

'Sec. 6. R. S., T. 38, §451, amended. The first paragraph 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 paragraphs enacted in place thereof:

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 due consideration for seasonal, climatic, tidal and natural variations and after reasonable opportunity for dilution, diffusion, mixture or heat transfer to the atmosphere, within mixing zones reasonably established by the commission in the manner provided by this section, lower the quality of said waters, outside such zones, below the minimum requirements of such classification, and notwithstanding any licenses which may have been granted or issued under sections 413 to 415.

(over) *(Filing No. H. 501)*

The commission may establish a mixing zone with respect to any discharge at the time application for license for such discharge is made pursuant to section 414, and when so established shall be a condition of and form a part of the license issued. The commission may, after 30 days' notice to and a hearing with the affected party, establish by order a mixing zone with respect to any discharge for which a license has heretofore been issued pursuant to section 414, or for which no license is required by virtue of the last sentence of section 413. Prior to the issuance of any order, or commencement of any enforcement action to abate a classification violation, the commission shall establish, in the manner above provided, a mixing zone with respect to the discharge sought to be thereby affected.

In determining the extent of any mixing zone to be by it established under this section, the commission shall solicit and receive testimony concerning the nature and rate of the discharge; the nature and rate of existing discharges to the waterway and their effect upon the ability of the waterway to achieve its classification standards; the size of the waterway and the rate of flow therein; any seasonal, climatic, tidal and natural variations in such size, flow, nature and rate and the effect of such variations upon the ability of the waterway to achieve its classification standards; the uses of the waterways in the vicinity of the discharge, and such other and further evidence as in the commission's judgment will enable it to establish a reasonable mixing zone for such discharge. An order establishing a mixing zone may provide that the extent thereof shall vary in order to take into account seasonal, climatic, tidal and natural variations in the size and flow of, and the nature and rate of discharges to, the waterway.

(Con't)

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Where no mixing zones have been established by the commission,  
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, into any  
classified surface waters, tidal flats or sections thereof, in such  
manner as will, after reasonable opportunity for dilution, diffusion,  
mixture or heat transfer to the atmosphere, lower the quality of any  
significant segment of said waters, tidal flats or sections thereof,  
affected by such discharge, below the minimum requirements of such  
classification, and notwithstanding any licenses which may have been  
granted or issued under sections 413 to 415.'

Reported by the Committee on Natural Resources.

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of the House.

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