

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1167

H. P. 906

House of Representatives, March 4, 1969

Referred to Committee on Natural Resources. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Snow of Caribou.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Concerning the Administration and Program of the New England
Interstate Water Pollution Control Commission.

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

Sec. 1. R. S., T. 38, § 491-A, additional. Title 38 of the Revised Statutes is amended by adding a new section 491-A, to read as follows:

§ 491-A. Reaffirmation of support — Article I-A

The State reaffirms its support of the cooperative approach to the abatement and control of water pollution as embodied in the New England Interstate Water Pollution Control Compact. In view of the increase in population concentrations, the growing need of industry and agriculture for water of reasonable quality and the quality requirements of water based recreation and other uses, the New England Interstate Water Pollution Control Commission shall develop and maintain its programs, including research on water quality problems, at such levels, including, to the extent necessary, levels above those originally provided when this State first enacted the compact, as may be appropriate.

Sec. 2. R. S., T. 38, § 492, amended. Section 492 of Title 38 of the Revised Statutes is amended by adding at the end the following:

This State concurs in the conferring of any powers or duties on the New England Interstate Water Pollution Control Commission by other states in addition to those conferred by provision of this compact.

The concurrence is subject to the following limitations:

1. **Limitations.** Unless this State specifically confers a power or duty on the commission, other than one conferred by the compact itself, no financial or other burden or duties shall be placed upon this State, or any agency, officer or subdivision thereof by reason of the conferring or exercise of the powers or duty. At any time, the Governor, Attorney General or the Treasurer of State shall have the power to make inquiry of the commission and to examine its books and records in order to ascertain the state of compliance with this compact.

2. **Rights.** The rights, privileges and responsibilities of this State with respect to the New England Interstate Water Pollution Control Compact and the commission established thereby shall not be limited or impaired.

3. **Account.** The commission shall include in its annual report to the Governor and the Legislature of this State a full account of any additional powers or duties administered by it.

Sec. 3. R. S., T. 38, § 494, amended. Section 494 of Title 38 of the Revised Statutes is amended by adding at the end the following:

In addition to the minimal personnel authorization contained in this article, the commission may employ such engineering, technical and other professional, secretarial and clerical personnel as the proper administration and functioning of the commission may require.

Sec. 4. R. S., T. 38, §§ 496-A - 496-D, additional. Title 38 of the Revised Statutes is amended by adding 4 new sections to read as follows:

§ 496-A. Personnel and programs — Article VI-A

The commission may develop standards for the training, educational and experience requirements for operating personnel necessary to the proper operation of sewage and other waste treatment plants.

The commission may administer programs of training and certification for such personnel, and may make classifications thereof. Any certificate issued by the commission shall be accepted by this State and all agencies and subdivisions thereof as conclusive evidence that the holder has the training, education and experience necessary for certification for the class of position or responsibility described therein. The Water and Air Environmental Improvement Commission may impose and administer any other requirements for certification within any applicable provisions of law, but it shall not reexamine or reinvestigate the applicant for a certificate with respect to his training, education or experience qualifications.

The commission shall keep a record of all certificates issued by it, and in response to any inquiry concerning such a certificate, the commission shall inform the inquirer concerning its issuance and validity. The commission shall annul any certificate issued by it, if the commission finds that the certificate was obtained by misrepresentation of any material fact relating to the education, training or experience of the applicant. Such annulment shall be pursuant to rules and regulations of the commission which shall afford

due notice to the certificate holder and an opportunity to present relevant evidence for consideration by the commission.

Nothing contained in this section shall limit or abridge the authority of the commission to revise its standards and to issue new or additional certificates. In any such case, the Water and Air Environmental Improvement Commission may require an applicant for a certificate to present a certificate or certificates which evidence training, education and experience meeting the current standards of the commission.

Certificates issued by the commission shall be recognized and given in connection with personnel employed in or having responsibilities for plants discharging into any waters of this State.

Nothing in this section shall be construed to require any person to have a certificate in order to be employed in the operation of a sewage or other waste treatment plant. Such requirements, if any, shall be as set forth in or pursuant to other laws of this State: Provided that in any case where a certificate is required, an appropriate certificate issued by the commission shall be accepted in lieu of any certificate otherwise required.

To the extent that the authority conferred upon the commission by this section is not otherwise exercisable by the commission under the compact, the commission shall not require the financial or other support of the program or programs authorized hereby by any state not having enacted legislation substantially similar to this section.

§ 496-B. Water quality network — Article VI-B

The commission, in cooperation with this State and such other states signatory to the New England Interstate Water Pollution Control Compact as may participate, shall establish and maintain a water quality sampling and testing network. The network shall, to the fullest extent practicable, rely upon the sampling and testing programs of this State, such other participating states, and upon information available from agencies of the Federal Government, and shall not duplicate any of their activities. However, if the sampling and testing programs of this State and other states, and the information available from agencies of the Federal Government are insufficient to provide the commission with records of water quality adequate for its needs, the commission may supplement the sampling and testing otherwise available to it.

Sampling pursuant to this section shall be at points at or near the places where waters cross a boundary of this State, and the samples shall be tested in order to determine their quality. The sampling and testing provided for herein shall be scheduled by the commission or in accordance with its requests, and shall include such factors or elements as the commission shall request. Any sampling and testing done by the Water and Air Environmental Improvement Commission of this State as part of the activities of the commission's network shall be reported fully and promptly by such agency to the commission, together with the results thereof.

§ 496-C. Compliance with requirements for water quality — Article VI-C

If the commission ascertains that particular waters at or near a boundary of this State do not comply with the standards of the commission made pursuant to Article V, or are not otherwise of a quality complying with state law, the commission shall inform the Water and Air Environmental Improvement Commission of this State and of any other state concerned and shall afford such agencies an opportunity to verify, explain, supplement or correct the information in the possession of the commission and, if the facts warrant, to take or secure the taking of any necessary remedial action.

If such remedial action is not taken or secured in timely fashion, the commission may hold a public hearing on due notice, as provided in its rules and regulations, in order to ascertain all the relevant facts and circumstances.

Following public hearing the commission may issue an order directed to the source or sources of waste discharge causing or contributing to the deteriorated water quality. Such order or orders may require reduction or cessation of waste discharge or the improvement of their quality. No order of the commission pursuant to this section shall be valid, unless supported by substantial evidence adduced at the public hearing.

An order of the commission shall prescribe the date or dates by which discharges of waste are to be reduced, discontinued or treated, and may contain timetables or schedules for specific steps to be taken in order to comply therewith.

An order of the commission made pursuant to this section and section 496-B may be enforced in any court of competent jurisdiction. Proceedings shall be only on the record made before the commission.

§ 496-D. Limitations — Article VI-D

Unless otherwise conferred by law, the commission shall not have power to issue permits or licenses in connection with the discharge or treatment of wastes, or pass upon plans or specifications for particular waste treatment or collection equipment or facilities.