FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document — No. 1770

S. P. 599 — In Senate, January 6, 1970

The Committee on Natural Resources suggested.

HARRY N. STARBRANCH, Secretary

Presented by Senator Reed of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND SEVENTY

AN ACT Relating to Water Quality Standards.

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

Sec. 1. R. S., T. 12, § 2108, additional. Title 12 of the Revised Statutes is amended by adding a new section 2108, to read as follows:

§ 2108. Designation of spawning beds

The commissioner may on his own initiative, and at the request of any state agency shall, call a public hearing to determine whether any inland waters of the State or portions thereof shall be designated as fish spawning beds. Notice of such hearing shall be given in the same manner as notices of hearings relative to regulations under section 1960, and in addition such notice shall be given to the state agency, if any, requesting the hearing. Such notice shall include a description of the waters or portions thereof to be considered at the hearing. A verbatim transcript of such hearing shall be made by a reporter.

After hearing, if the commissioner shall determine on the basis of the evidence presented thereat that such waters or portions thereof constitute fish spawning beds he shall so designate such waters or portions thereof, describing the area so designated, and shall file a copy of his designation with the Secretary of State and with the Environmental Improvement Commission.

Sec. 2. R. S., T. 38, § 361, amended. Section 361 of Title 36 of the Revised Statutes, as amended, is further amended by inserting before the last paragraph the following new paragraph:

Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at high quality unless it has been affirmatively demonstrated to the State that a change is justifiable as a result of necessary economic or social development and will not preclude present and anticipated use of such waters. Any industrial, public, or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required to provide the necessary degree of waste treatment to maintain high water quality. In implementing this policy, the Secretary of the Interior will be kept advised and will be provided with such information as he will need to discharge his responsbilities under the Federal Water Pollution Control Act, as amended.

Sec. 3. R. S., T. 38, § 363, amended. 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, and as amended, is further amended by adding after the 4th paragraph the following new paragraphs:

Rivers and streams of this classification shall not be warmed by heat of artificial origin more than 5 degrees Fahrenheit. The epilimnion of lakes and ponds of this classification shall not be warmed by heat of artificial origin more than 3 degrees Fahrenheit. In no event shall any waters of this classification not frequented by trout or salmon be warmed by heat of artificial origin to more than 84 degrees Fahrenheit, nor shall any waters of this classification frequented by trout or salmon be warmed by heat of artificial origin to more than 68 degrees Fahrenheit.

No effluent the temperature of which exceeds the mean low temperature of a receiving body of water of this classification shall be discharged into such waters or portions thereof designated as fish spawning beds by the Department of Inland Fisheries and Game.

Sec. 4. R. S., T. 38, § 363, amended. 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, and as amended, is further amended by adding after the 8th paragraph the following new paragraphs:

Rivers and streams of this classification shall not be warmed by heat of artificial origin more than 5 degrees Fahrenheit. The epilimnion of lakes and ponds of this classification shall not be warmed by heat of artificial origin more than 3 degrees Fahrenheit. In no event shall any waters of this classification not frequented by trout or salmon be warmed by heat of artificial origin to more than 84 degrees Fahrenheit, nor shall any waters of this classification frequented by trout or salmon be warmed by heat of artificial origin to more than 68 degrees Fahrenheit.

No effluent the temperature of which exceeds the mean low temperature of a receiving body of water of this classification shall be discharged into such waters or portions thereof designated as fish spawning beds by the Department of Inland Fisheries and Game.

Sec. 5. R. S., T. 38, § 363, amended. 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, and as amended, is further amended by adding after the 11th paragraph the following new paragraphs:

Rivers and streams of this classification shall not be warmed by heat of artificial origin more than 5 degrees Fahrenheit. The epilimnion of lakes and ponds of this classification shall not be warmed by heat of artificial origin more than 3 degrees Fahrenheit. In no event shall any waters of this classification not frequented by trout or salmon be warmed by heat of artificial origin to more than 84 degrees Fahrenheit, nor shall any waters of this classification frequented by trout or salmon be warmed by heat of artificial origin to more than 68 degrees Fahrenheit.

No effluent the temperature of which exceeds the mean low temperature of a receiving body of water of this classification shall be discharged into such waters or portions thereof designated as fish spawning beds by the Department of Inland Fisheries and Game.

Sec. 6. R. S., T. 38, § 363, amended. 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, and as amended, is further amended by adding after the 15th paragraph the following new paragraphs:

Rivers and streams of this classification shall not be warmed by heat of artificial origin more than 5 degrees Fahrenheit. The epilimnion of lakes and ponds of this classification shall not be warmed by heat of artificial origin more than 3 degrees Fahrenheit. In no event shall any waters of this classification not frequented by trout or salmon be warmed by heat of artificial origin to more than 84 degrees Fahrenheit, nor shall any waters of this classification frequented by trout or salmon be warmed by heat of artificial origin to more than 68 degrees Fahrenheit.

No effluent the temperature of which exceeds the mean low temperature of a receiving body of water of this classification shall be discharged into such waters or portions thereof designated as fish spawning beds by the Department of Inland Fisheries and Game.

Sec. 7. R. S., T. 38, § 364, amended. 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, and as amended, is further amended by adding after the 7th paragraph the following new paragraph:

There shall be no discharge of heated effluent into waters of this classification which will raise the monthly mean of the maximum daily temperature of such waters prior to such discharge more than 1.5 degrees Fahrenheit during the months of July, August and September, or more than 4 degrees Fahrenheit at any other time.

Sec. 8. R. S., T. 38, § 364, amended. 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, and as amended, is further amended by adding after the 10th paragraph the following new paragraph:

There shall be no discharge of heated effluent into waters of this classfication which will raise the monthly mean of the maximum daily temperature of such waters prior to such discharge more than 1.5 degrees Fahrenheit during the months of July, August and September, or more than 4 degrees Fahrenheit at any other time.

Sec. 9. R. S., T. 38, § 364, amended. 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, and as amended, is further amended by adding after the 12th paragraph the following new paragraph:

There shall be no discharge of heated effluent into waters of this classification which will raise the monthly mean of the maximum daily temperature of such waters prior to such discharge more than 1.5 degrees Fahrenheit during the months of July, August and September, or more than 4 degrees Fahrenheit at any other time.

Sec. 10. R. S., T. 38, § 364, amended. 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, and as amended, is further amended by adding after the 16th paragraph the following new paragraph:

There shall be no discharge of heated effluent into waters of this classification which will raise the monthly mean of the maximum daily temperature of such waters prior to such discharge more than 1.5 degrees Fahrenheit during the months of July, August and September, or more than 4 degrees Fahrenheit at any other time.

Sec. 11. R. S., T. 38, § 364, amended. The last 2 sentences of the 13th paragraph of section 364 of Title 38 of the Revised Statutes, as last repealed and replaced by section 3 of chapter 431 of the public laws of 1969, are amended to read as follows:

The median numbers of fecal coliform bacteria in any series of samples representative of waters in the shellfish growing area shall not be in excess of 150 per 100 milliliters, nor shall more than 10% of the samples exceed 500 **fecal** coliform bacteria per 100 milliliters. In a non-shellfish growing area the median number of **coliform bacteria in** a series of samples representative of the waters shall not exceed 1,500 per 100 milliliters nor shall more than 10% of the samples exceed 5,000 **coliform bacteria** per 100 milliliters.