

MAINE STATE LEGISLATURE

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NEW DRAFT OF S. P. 599, L. D. 1770
FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1828

S. P. 650

In Senate, January 29, 1970

Reported by Senator Berry of Cumberland from Committee on Natural Resources. Printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

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. 38, § 361, amended. Section 361 of Title 38 of the Revised Statutes, as amended, is further amended by inserting before the last paragraph, a new paragraph, as follows :

Consistent with the classifications as established by the Legislature under this Title, it is the public policy of this State to conserve the waters of the State, and to protect, maintain and improve the quality thereof for public water supply, for the propagation of wildlife, fish and aquatic life, and for domestic, agricultural, industrial, recreational and other legitimate uses ; and to provide that no waste be discharged into any waters of this State without first being given the degree of treatment necessary to protect the legitimate beneficial uses of such waters ; and to provide for the prevention, abatement and control of new and existing water pollution ; and to cooperate with other agencies of the State, agencies of other states and the Federal Government, in carrying out these objectives.

Sec. 2. 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 Section 363 of Title 38 of the Revised Statutes, as repealed and replaced by section 4 of chapter 475 of the public laws of 1967, and as amended, is further amended by adding after the 4th paragraph, a new paragraph, as follows :

Under this classification, waters having a natural maximum temperature not exceeding 68° Fahrenheit shall be designated trout and salmon waters.

Subject to the conditions of section 451, trout and salmon waters shall not be warmed by heat of artificial origin to more than 68° Fahrenheit and non-trout and non-salmon waters shall not be warmed by heat of artificial origin to more than 84° Fahrenheit; except that when the temperature of non-trout and non-salmon waters exceeds 83° Fahrenheit when received, such waters may be warmed by heat of artificial origin to not more than 1° Fahrenheit above the temperature of such waters when received. No heat of artificial origin shall be discharged to such waters which shall raise the temperature above 89° Fahrenheit.

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 8th paragraph, the following new paragraph:

Under this classification, waters having a natural maximum temperature not exceeding 68° Fahrenheit shall be designated trout and salmon waters. Subject to the conditions of section 451, trout and salmon waters shall not be warmed by heat of artificial origin to more than 68° Fahrenheit and non-trout and non-salmon waters shall not be warmed by heat of artificial origin to more than 84° Fahrenheit; except that when the temperature of non-trout and non-salmon waters exceeds 83° Fahrenheit when received, such waters may be warmed by heat of artificial origin to not more than 1° Fahrenheit above the temperature of such waters when received. No heat of artificial origin shall be discharged to such waters which shall raise the temperature above 89° Fahrenheit.

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 11th paragraph, the following new paragraph:

Under this classification, waters having a natural maximum temperature not exceeding 68° Fahrenheit shall be designated trout and salmon waters. Subject to the conditions of section 451, trout and salmon waters shall not be warmed by heat of artificial origin to more than 68° Fahrenheit and non-trout and non-salmon waters shall not be warmed by heat of artificial origin to more than 84° Fahrenheit; except that when the temperature of non-trout and non-salmon waters exceeds 83° Fahrenheit when received, such waters may be warmed by heat of artificial origin to not more than 1° Fahrenheit above the temperature of such waters when received. No heat of artificial origin shall be discharged to such waters which shall raise the temperature above 89° Fahrenheit.

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 15th paragraph, the following new paragraph:

Under this classification, waters having a natural maximum temperature not exceeding 68° Fahrenheit shall be designated trout and salmon waters.

Subject to the conditions of section 451, trout and salmon waters shall not be warmed by heat of artificial origin to more than 68° Fahrenheit and non-trout and non-salmon waters shall not be warmed by heat of artificial origin to more than 84° Fahrenheit; except that when the temperature of non-trout and non-salmon waters exceeds 83° Fahrenheit when received, such waters may be warmed by heat of artificial origin to not more than 1° Fahrenheit above the temperature of such waters when received. No heat of artificial origin shall be discharged to such waters which shall raise the temperature above 89° Fahrenheit.

Sec. 6. 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, outside of established mixing zones, the monthly mean of the maximum daily temperature of the total of such waters prior to such discharge more than 5° Fahrenheit.

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 10th paragraph, the following new paragraph:

There shall be no discharge of heated effluent into waters of this classification which will raise, outside of established mixing zones, the monthly mean of the maximum daily temperature of the total of such waters prior to such discharge more than 5° Fahrenheit.

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 12th paragraph, the following new paragraph:

There shall be no discharge of heated effluent into waters of this classification which will raise, outside of established mixing zones, the monthly mean of the maximum daily temperature of the total of such waters prior to such discharge more than 5° Fahrenheit.

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 16th paragraph, the following new paragraph:

There shall be no discharge of heated effluent into waters of this classification which will raise, outside of established mixing zones, the monthly mean of the maximum daily temperature of the total of such waters prior to such discharge more than 5° Fahrenheit.

Sec. 10. 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.