

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 564

H. P. 430

House of Representatives, February 3, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Dam of Skowhegan.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Regulate Deposit of Forest Products in Waters of the State.

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

R. S., T. 38, § 416, repealed and replaced. Section 416 of Title 38 of the Revised Statutes, as amended by sections 4 and 9 of chapter 431 and section 2 of chapter 572, both of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 416. Deposit of refuse of forest products manufacture

No person, corporation or other party shall place or deposit or discharge, directly or indirectly, in the inland waters or tidal waters or on the ice thereof or on the banks so that the same shall fall or be washed into the waters, any slabs, edgings, sawdust, shavings, chips or bark.

Whoever violates any provision of this section shall be punished by a fine of not less than \$500 nor more than \$1,000 and costs for each offense.

§ 416-A. Deposit of refuse of debarking operations

No person, corporation or other party shall place or deposit, directly or indirectly, bark or wood debris where subsurface or surface drainage from such deposit will contaminate any watercourse of the State.

Whoever violates any provision of this section shall be punished by a fine of not less than \$500 nor more than \$1,000 and costs for each offense.

Any person, corporation or other party who discharges or permits to be discharged any such materials shall notify the Environmental Improvement

Commission of such discharge and shall remove same from the affected waters and shorelines.

If such person, corporation or other party fails to act promptly to remove such materials from said waters and shoreline, the commission may arrange for its removal. The person, corporation or other party responsible for the discharge shall be liable to the State of Maine for all costs and expenses incurred by the commission in the removal of said materials.

Whoever fails to act promptly to remove such materials or fails to notify the Environmental Improvement Commission upon discovery of the discharge shall be punished by a fine of not less than \$500 nor more than \$1,000 and costs.

§ 416-B. Water transportation and storage of wood

No person, corporation or other party shall place unpeeled or debarked wood into the inland waters of the State or on the ice thereof for the purpose of storing logs or pulpwood at the mill or transporting said wood downstream to mills or on the way to mills after October 1, 1976.

Whoever violates any provision of this section shall pay a fine of not less than \$1,000 nor more than \$10,000 and costs for each offense.

§ 416-C. General

If any person, corporation or other party believes it to be necessary in the prosecution of his or its business to deposit some or all of the materials mentioned in sections 416, 416-A or 416-B in any of said waters, or on the banks thereof, to an extent prohibited by said sections, he or it may make application to the commission, which shall give notice thereof and hold a hearing thereon, and which shall have authority to issue an order thereon granting such permit as it deems advisable or denying such application.

Any person, corporation or party aggrieved by any order or decision of the commission under this section may appeal to the Superior Court according to the procedures outlined in section 415.

STATEMENT OF FACT

The purpose of this bill is to clean the waters of the State of Maine; to open the waters up to the people for their use.