

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 1213

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H. P. 893

House of Representatives, February 26, 1971

On motion of Mr. Hardy of Hope, referred to the Committee on Agriculture. Sent up for concurrence and Ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Cooney of Webster.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT** Relating to Deposit of Animal Waste on Land or in Waters.

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

R. S., T. 38, § 418, additional. Title 38 of the Revised Statutes is amended by adding a new section to read as follows:

§ 418. Deposit of animal waste

No person, firm or corporation shall deposit or cause to be deposited in any stream, river, pond, lake or other body of water or watercourse or any tidal waters, whether classified or unclassified, animal waste in any form.

No such person, firm or corporation shall deposit or cause to be deposited upon any land, including the land of another, animal waste in any form in such a manner as to permit the same to be carried directly or indirectly into any stream, river, pond, lake or other body of water or watercourse or tidal waters, whether classified or unclassified.

Whenever the Environmental Improvement Commission finds conditions inconsistent with this section, it may apply to any Justice of the Superior Court for an appropriate order to abate said inconsistent condition.

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.

If any person, firm or corporation believes it necessary in the prosecution of his or its business to deposit animal waste in the manner prohibited by this section, he or it may make application to the Environmental Improvement Commission for a special permit authorizing operations inconsistent with this section. Within 30 days of receipt of said application the commis-

sion shall hold a public hearing thereon. The commission shall give public notice of said hearing through publication, at least 10 days prior to hearing, in a newspaper located in the county wherein the applicant resides. Within 7 days after hearing the commission shall either approve or deny the application by written notice to the applicant.

Any person, firm or corporation aggrieved by any order or decision of the commission under this section may appeal to the Superior Court in accordance with section 415.

This section shall not apply to any person, firm or corporation who or which is primarily engaged in the business of growing crops, providing that such person, firm or corporation makes deposits upon his or its own land of animal waste which is produced on said land.

#### STATEMENT OF FACT

The purpose of this bill is to extend the licensing jurisdiction of the Environmental Improvement Commission to cover pollution of waters resulting from the dumping of animal wastes upon the land.