

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1468

H. P. 1076

House of Representatives, March 11, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Whitson of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Revising the Laws Relating to the Deposit of Oil, Forest Products
Refuse and Potatoes in Waters of the State.

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

Sec. 1. R. S., T. 38, § 416, repealed and replaced. Section 416 of Title 38 of the Revised Statutes, as last amended by section 2 of chapter 572 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 416. Discharge of oil prohibited

No person, firm, corporation or other legal entity shall discharge, spill or permit to be discharged oil, petroleum products or their by-products, as defined in section 542, subsection 6, into any inland waters of this State. For the purposes of this section, "inland waters of this State" shall mean all waters of this State except those described in section 543.

Whoever discharges oil, petroleum products or their by-products in violation of this section shall immediately report the fact of such discharge to the commission and undertake to remove such discharge to the commission's satisfaction. Notwithstanding the requirements of the preceding sentence, the commission may undertake to remove such discharge, and may retain agents and contractors for such purpose.

Whoever discharges, spills or permits to be discharged oil, petroleum products or their by-products in violation of this section, and fails to report such discharge, shall be punished by a fine of not less than \$500 nor more than \$1000.

Sec. 2. R. S., T. 38, § 417, repealed and replaced. Section 417 of Title 38

of the Revised Statutes, as amended by section 5 of chapter 431 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 417. Certain deposits and discharges prohibited

No person, firm, corporation or other legal entity shall place, deposit or discharge, directly or indirectly into the inland waters or tidal waters of this State, or on the ice thereof, or on the banks thereof in such a manner that the same may fall or be washed into such waters, or in such manner that the drainage therefrom may flow or leach into such waters, any of the following:

A. Forest products refuse. Any slabs, edgings, sawdust, shavings, chips, bark or other forest products refuse.

B. Potatoes. Any potatoes or any part or parts thereof.

Whoever violates this section shall be punished by a fine of not less than \$100 nor more than \$500.

STATEMENT OF FACT

Section 1 of this bill prohibits the discharge of oil into all inland waters of the State. These waters are not covered by the Oil Discharge Prevention and Pollution Control Act (chapter 572 of the public laws of 1969). The existing law on oil discharges into inland waters, which this bill repeals, contains irrelevant language dealing with forest products and provides a minimal criminal penalty for violation. Section 1 increases the penalty for violation and imposes it not for the discharge, but for failure to promptly report it and clean it up. It should be noted that if the commission is forced to clean up a spill, it can recover its costs under section 453 of Title 38 from the party responsible if that party is known. The intent of the bill is to encourage reporting and cleanup of oil discharge, since it is frequently impossible to fix the source of an oil spill.

Section 2 combines the prohibitions against indiscriminate disposal of forest products refuse (presently in section 416) with the prohibitions against use of inland waters as a potato dumping area. It also increases the fine.