

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1632

H. P. 1173

House of Representatives, March 17, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Kilroy of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Defining Certain Terms Used in the Environmental Laws.

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

Sec. 1. R. S., T. 38, § 361-A, additional. Title 38 of the Revised Statutes is amended by adding a new section 361-A to read as follows:

§ 361-A. Definitions

As used in this chapter:

1. Discharge. "Discharge", when used with reference to water, means any intentional or unintentional spilling, leaking, pumping, pouring, emptying, dumping or depositing therein.
2. Fresh surface waters. "Fresh surface waters" means all waters of the State other than tidal waters.
3. Municipality. "Municipality" means a city, town or unorganized township.
4. Person. "Person" means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.
5. Pollution. "Pollution", when used with reference to waters, means any discharge of any substance therein, caused by human activity.
6. Public nuisance. "Public nuisance" includes any body of water or portion thereof in which the dissolved oxygen content is zero.
7. Tidal waters. "Tidal waters" means those portions of the Atlantic Ocean within the jurisdiction of the State, and all other waters of the State

subject to the rise and fall of the tide except those waters listed and classified in sections 368 and 369.

8. **Transfer of ownership.** "Transfer of ownership" means a sale, a lease, a sale of over 50% of the stock of a corporation to one legal entity, a merger or consolidation where the surviving corporation is other than the original licensee, or a gift.

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 The first paragraph of section 364 of Title 38 of the Revised Statutes, as repealed and replaced by section 3 of chapter 431 of the public laws of 1969, is amended to read as follows:

The commission shall have 5 standards for classification of tidal ~~or marine~~ waters as follows:

Sec. 3. R. S., T. 38, § 364, amended. The 2nd paragraph of section 364 of Title 38 of the Revised Statutes, as repealed and replaced by section 3 of chapter 431 of the public laws of 1969, is repealed.

Sec. 4. R. S., T. 38, § 367, amended. The 2nd paragraph of section 367 of Title 38 of the Revised Statutes, as enacted by section 6-A of chapter 475 of the public laws of 1967, is amended to read as follows:

The commission may, after careful consideration, public hearings and in consultation with other state agencies and, where appropriate, federal and interstate water pollution control agencies, and the municipalities and industries involved, raise the classification of any **fresh surface or tidal** waters, or portions thereof, and such new classification shall thereafter be the classification applicable to such **fresh surface or tidal** waters, or portions thereof, until 90 days after the date of adjournment of the next regular session of the Legislature unless such next regular session shall adopt by legislative enactment such new classification.

Sec. 5. R. S., T. 38, § 369, amended. The first paragraph of section 369 of Title 38 of the Revised Statutes, is repealed.

STATEMENT OF FACT

This bill defines several terms used in the environmental laws and repeals inconsistent language.