

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 138

S. P. 54

In Senate, January 11, 1973

Referred to the Committee on Marine Resources. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Schulten of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Pollution Control in Discharge in Tidal Waters.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, in order to comply with an order of the Board of Environmental Protection dated August 23, 1972, as modified by its further order dated September 27, 1972, it will be necessary for Maine Yankee Atomic Power Company to install a diffuser running from its plant to the waters of the adjoining bay so that its cooling water discharge will not violate applicable water quality standards of the State of Maine; and

Whereas, lead time for engineering, design, contracting and construction of the same requires immediate legislative authority for the use of state-owned land, i.e., subtidal flats or tidal waters for the location thereof; and

Whereas, the plant is now operational and any delay would be disadvantageous to the people of the State of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., T. 38, § 413, sub-§ 7, additional. Section 413 of Title 38 of the Revised Statutes, as amended, is further amended by adding a new subsection 7 to read as follows:

7. Tidal waters and subtidal lands. In connection with a license previously issued or currently being issued under this subchapter, the commission may grant to the licensee the right to construct, maintain and operate facilities for use in connection with the licensed discharge, including facilities in, on, above or under tidal waters and on or under subtidal lands.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is reflected in the title.