

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 638

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H. P. 463

House of Representatives, February 6, 1973

Speaker laid before the House and on motion of Mr. Birt of East Millinocket referred to the Committee on Natural Resources. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Soulas of Bangor.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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AN ACT Relating to Protection of the Public Water Supply.

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

Sec. 1. R. S., T. 22, § 2436, repealed and replaced. Section 2436 of Title 22 of the Revised Statutes, as amended by sections 1 to 3 of chapter 341 of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 2436. Protection of source of public water supply

Any water utility or municipality, supplying water to the public, or the Department of Health and Welfare is authorized to take reasonable methods to protect such source of public water supply from pollution. It may enter upon the land suspected of polluting such source of public water supply and inspect for conditions causing such pollution. It may order the person, corporation or other legal entity causing such pollution to remedy or remove the cause of pollution. Such order shall be in writing and state a time within which the order must be complied with.

Before any new land use is made upon land affecting the source of a public water supply or any existing building or structure thereon is repaired or remodeled, the water utility or municipality supplying water to the public shall approve the new conditions and use.

Either party may call upon the department for technical advice. Any person, corporation or other legal entity aggrieved by any order of such water utility or municipality supplying water to the public may appeal to the Superior Court within 30 days after receiving such order.

The water utility or municipality supplying water to the public, or the Department of Health and Welfare may petition the Superior Court upon fail-

ure of the person, corporation or other legal entity named in such order to comply with any order made by it. The court, after hearing, may make such order as may be appropriate.

Nothing in this section shall be construed to limit in any way any private and special law granting a water utility or municipality greater controls for protecting its source of public water supply than those set in this section.

Sec. 2. R. S., T. 22, § 2438, additional. Title 22 of the Revised Statutes is amended by adding a new section 2438 to read as follows:

§ 2438. Disinfection of public water supply

All water systems using surface water as a source and serving the public shall provide continuous disinfection as approved by the Department of Health and Welfare, in accordance with such rules and regulations as may be adopted by the department.

All water systems using subsurface water as a source and serving the public may be required to provide continuous disinfection as approved by the department in accordance with such rules and regulations as may be adopted by the department.

Whoever violates this section, or rules or regulations hereunder, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 60 days.

In the event of any violation of this section or any rule or regulation hereunder, the Attorney General may institute injunction proceedings to enjoin the further violation thereof, in addition to any other remedy.

### STATEMENT OF FACT

Presently less than 5 water supplies in this State are using surface water which has been disinfected before delivery to the consumer. In several instances such water supplies have contained unacceptably high bacteria counts. The purpose of this bill is to protect the quality of the Maine public water supplies.