

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SIXTH LEGISLATURE

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## Legislative Document

No. 963

H. P. 750

House of Representatives, February 20, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Rolde of York.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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### AN ACT to Enable the Board of Environmental Protection to Control the Effects of Erosion.

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

R. S., T. 38, § 424, additional. Title 38 of the Revised Statutes is amended by adding a new section 424 to read as follows:

#### § 424. Erosion control

In addition to any other remedy it may have by law, whenever the Board of Environmental Protection determines, after investigation, that erosion from earth moving activities or other practices is causing erosion that may violate water quality standards, that may be harmful to aquatic life, plant and animal, or that may be detrimental to the public health, safety or welfare shall notify the person responsible for such activities or practices, in writing, of the results of the investigation and shall recommend appropriate corrective measures. If the person responsible for such activities or practices fails to take measures satisfactory to the board, within 20 days of receiving such notice, the board may conduct a hearing at which the person responsible may appear to answer the complaint set forth in the investigating notice. After hearing, the board may issue an order to the person responsible, directing such person to take appropriate corrective measures.

If after investigation, the board determines that conditions exist that warrant immediate corrective measures it may issue an order to the person responsible, directing such person to take immediate corrective measures. Emergency action taken under this paragraph shall be subject to the procedural provisions of section 593.

## STATEMENT OF FACT

This bill allows the Board of Environmental Protection to act whenever it determines that erosion is harmful to water quality or to the public welfare and safety.

It provides for emergency measure if the board determines that such measures are warranted. Safeguards protecting the alleged violator are in emergency situations the same as the safeguards provided in the Air Quality Statutes. Enforcement procedures, injunctions and penalties are those that now exist in the Water Quality Statutes.