

MAINE STATE LEGISLATURE

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(EMERGENCY)
New Draft of S. P. 54, L. D. 138

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1408

S. P. 455

In Senate, March 14, 1973

Reported by Senator Huber of Knok from Committee on Marine Resources
and ordered printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

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 under this subchapter, whenever issued, the commission may grant to a licensee a permit to construct, maintain and operate any facilities necessary to comply with the terms of such license in, on, above or under tidal waters or subtidal lands of the State. Such permit may be issued upon such terms and conditions as the commission deems necessary to insure that such facilities create minimal interference with existing uses, including a requirement that the licensee provide satisfactory evidence of financial capacity, or in lieu thereof, a bond in such form and amount as the commission may find necessary, to insure removal of such facilities. In the event that such facilities are no longer necessary in order for such licensee or successor thereof to comply with the terms of its license, the commission may, after opportunity for notice and hearing, require the licensee or successor to remove all or any portion of such facilities from the tidal waters or subtidal lands. Such removal may be ordered if the commission determines that maintenance of such facilities will unreasonably interfere with navigation, the development or conservation of marine resources, the scenic character of any coastal area, other appropriate existing public uses of such area or public health and safety, and that cost of such removal will not create an undue economic burden on such licensee or successor.

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