

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1457

H. P. 1191

House of Representatives, March 19, 1973

Reported by Mr. Peterson from the Committee on Natural Resources.
Printed under Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Protection of the Public Water Supply.

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 R. S., T. 22, § 2436, repealed and replaced.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2436 of Title 22 of the Revised Statutes, as amended by sections 1 to 3 of chapter 341 of the public laws of 1967, is repealed and the following enacted in place thereof: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 land within 1,000 feet of the high water mark of any lake, pond, brook, stream or river and their tributaries used as a source of public water supply, a well used as a source of public water supply, a spring used as a source of public water supply and upon land used for commercial or industrial purposes having a system of drainage or sewage flowing or seeping into a source of a public water supply or tributary thereof and inspect the system of drainage or sewage disposal of any building or structure thereon. Such power of entry and inspection shall be exercised only after the water utility, municipality or department has made a reasonable effort to obtain permission therefor from the landowner. Any local or state health inspector or officer may order the owner of any building or structure thereon having a system of drainage or sewage flowing or seeping into and contaminating said source of said water supply to remedy the situation. Such order shall be in writing and state a time in which the order must be complied with.

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 failure 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.