

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 1034**

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H. P. 847

House of Representatives, March 12, 1975

Referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. DeVane of Ellsworth.

Cosponsors: Mr. Martin of Eagle Lake and Mr. Kelleher of Bangor.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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### AN ACT to Further Define and Protect Surface Sources of Public Water Supplies in Maine.

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

Sec. 1. 22 MRSA § 2436, as last repealed and replaced by PL 1973, c. 157, § 1, is amended by adding before the first paragraph, the following new paragraph:

For the purposes of this chapter, "source of a public water supply" means any natural or man-made well or wells, spring or springs, empoundment, pond, lake, brook, stream or river and their tributaries and outlets, whose waters are transported or delivered by a water utility to the public. When the intake of a public water supply is on the outlet of any empoundment, pond or lake, the source of such public water supply shall be considered to be the empoundment, pond or lake itself.

Sec. 2. 22 MRSA § 2436, as last repealed and replaced by PL 1973, c. 157, § 1, is amended by adding a new paragraph after the first paragraph to read:

Land use within 250 feet of any empoundment, pond or lake of under 3,000 acres, which is the source of any public water supply, shall be limited to single family residences, single family seasonal dwellings and to such recreational developments as exist on the effective date of this Act.

Sec. 3. 22 MRSA § 2436, as last repealed and replaced by PL 1973, c. 157, § 1, is amended by adding, before the last paragraph, the following new paragraphs:

In order to protect the ecological integrity of sources of public water supplies, surface uses of any empoundment, pond or lake of under 3,000 acres,

which is the source of any public water supply, may be prohibited, restricted or otherwise regulated by the municipal officers of the municipality in which such source is located. In the case of any such source, the shores or waters of which lie within 2 or more municipalities, such prohibition, restrictions or regulations must be issued by a majority of the total of all the municipal officers wherein such source shall lie.

Prohibitions, restrictions or other regulations issued under authority of this section shall take the form of a notice and order and shall be issued in writing. They shall be posted at a maximum of 12 of the most generally used places of entry upon such empoundment, pond or lake. Such posting shall constitute public notice.

Whoever willfully violates a notice and order issued under authority of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$300 or by imprisonment for not more than 30 days, or by both, for each such violation.

#### STATEMENT OF FACT

In the State of Maine there are 5,755 lakes and ponds of one acre or more. Of this number, 71 are the primary source of a public water supply. Together they have 127,631 customers and serve well over ¼ million persons. Four of the 71 bodies (Sebago, Rangeley, Cobbosseecontee and China Lakes) exceed 3,000 acres in size. The remaining 67 ponds and lakes range from 1 to 2,703 acres, averaging 407 acres (mean) and 133 acres (median).

At this time, the only statutory protection afforded sources of public water supplies is limited to:

1. A power of entry upon land in order to conduct inspections; and
2. Authority for health officers to order abatement of certain contaminants.

This bill would provide the following:

1. A definition of "source," which is now lacking;
2. Limitations on land use around public water sources; and
3. Authority for municipal officers to control surface uses which in their judgment threaten the integrity of a supply source.