

# MAINE STATE LEGISLATURE

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(After Deadline)  
FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1629**

S. P. 566

In Senate, May 22, 1979

The Committee on Energy and Natural Resources suggested and ordered printed.

(Approved by a Majority of the Legislative Council pursuant to Joint Rule 27.)

Presented by Senator McBreairty of Aroostook.

Cosponsors: Senators Martin of Aroostook, Katz of Kennebec and Conley of Cumberland.

MAY M. ROSS, Secretary of the Senate.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT Relating to Requirements for Discharge into Class A Waters.**

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

**38 MRSA § 363, 4th ¶**, as amended by PL 1977, c. 373, § 2, is repealed and the following enacted in its place:

**There shall be no discharge of sewage or other pollutants into waters of this classification and no deposits of such material on the banks of these waters in any manner that transfer of sewage or other pollutants into the waters is likely, except that existing licensed discharges into waters of this classification will be allowed to continue until practical alternatives exist. New discharges will be permitted only if, in addition to satisfying all the requirements of chapter 3, the discharged effluent will be equal to or better than the existing water quality of the receiving waters. Prior to issuing a discharge license, the board shall require the applicant to objectively demonstrate to the board's satisfaction that the discharge is necessary and that there are no other reasonable alternatives available.**

## STATEMENT OF FACT

This bill would clarify that a discharge equal to or better than Class A waters will be permitted if the Board of Environmental Protection concludes that a discharge is necessary and no other reasonable alternative exists.

The Attorney General's department has ruled that in the absence of such amendment, no discharge, regardless of how clean, will be permitted into Class A waters. Effect of such a rule is to preclude large areas of Aroostook, Washington, Piscataquis and Somerset counties from industrial development, given the preponderance of Class A rivers.