

# MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 95

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*In House of Representatives, Feb. 2, 1911.*

*Ordered, That the bill entitled "An Act to prevent the pollution of water supplies and their sources," pending before the Judiciary Committee and upon which hearing has been set for February ninth, nineteen hundred and eleven, be ordered printed.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND ELEVEN.

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AN ACT to prevent the pollution of water supplies and their  
sources.

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

Section 1. The state board of health shall have the general  
2 oversight and care of all inland waters and all streams and  
3 ponds used by any city, town, or public institution or by any  
4 water district, or water or ice company in this state as sources  
5 of water or ice supply, and of all springs, streams and water  
6 courses tributary thereto. It shall provide itself with such  
7 maps, plans, and documents as it deems are necessary for  
8 such purposes, and it shall keep records of all its transactions  
9 relative thereto.

Sect. 2. Said board may cause examinations of such waters  
2 to be made to ascertain their purity and fitness for domestic  
3 use or their liability to impair the interest of the public or of  
4 persons lawfully using them, or to imperil the public health.  
5 It may make rules and regulations to prevent the pollution,  
6 and to secure the sanitary protection, of all such waters as  
7 are used as sources of water or ice supply within the state.

Sect. 3. The publication of an order, rule or regulation  
2 made by said board under the provisions of this chapter in  
3 a newspaper of the city or town in which said order, rule or  
4 regulation is to take effect, or, if no newspaper is published  
5 in such city or town, the posting of a copy of such order,  
6 rule or regulation in three public places in such city or town  
7 shall be legal notice to all persons, and an affidavit of such  
8 publication or posting by the person causing such notice to  
9 be published or posted, filed and recorded with a copy of the  
10 notice, in the office of the clerk of such city or town shall be  
11 admitted as evidence of the time at which, and the place and  
12 manner in which the notice was given.

Sect. 4. Said board shall include in its biennial report its  
2 doings for the preceding biennial term and shall recommend  
3 measures for the prevention of the pollution of such waters  
4 and for the removal of polluting substances in order to pro-  
5 tect and develop the rights and interests of the state therein  
6 and to protect the public health, and recommend any legis-  
7 lation or plans for systems of main sewers necessary for the  
8 preservation of the public health and for the purification and

9 prevention of pollution of the ponds, streams and inland  
10 waters of this state. It shall also give notice to the county  
11 attorney of the county in which occurs any violation of law  
12 relative to the pollution of water or ice supplies and inland  
13 waters.

Sect. 5. Said board may appoint, employ and fix the com-  
2 pensation of such agents, clerks, servants, engineers and ex-  
3 pert assistants as is considered by said board necessary.  
4 Such agents and servants shall cause to be enforced the pro-  
5 visions of law relative to the pollution of water and ice sup-  
6 ply and of the rules and regulations of said board.

Sect. 6. Said board shall consult with and advise the au-  
2 thorities of cities, towns, persons, corporations and water  
3 districts, having or about to have systems of water supply,  
4 drainage or sewerage, as to the most appropriate source of  
5 water supply, and the best method of assuring its purity and  
6 as to the best method of disposing of their drainage or sew-  
7 age with reference to the existing and future needs of other  
8 cities, towns, or persons, which may be affected thereby.  
9 Said board shall also consult with and advise persons, firms,  
10 or corporations engaged, or intending to engage, in any man-  
11 ufacturing or other business whose drainage or sewage may  
12 tend to pollute any inland water, as to the best method of  
13 preventing such pollution, and it may conduct experiments  
14 to determine the best methods of the purification or disposal  
15 of drainage or sewage. No person, firm, or corporation  
16 shall be required to bear the expense of such consultation,

17 advice, or experiments. Cities, towns, persons, corporations  
18 and water districts shall submit to said board, for its advice,  
19 their proposed systems of water supply or of the disposal of  
20 drainage and sewage, and all petitions to the legislature for  
21 authority to introduce a system of water supply, drainage or  
22 sewerage shall be accompanied by a copy of the recom-  
23 mendation and advice of said board thereon. In this sec-  
24 tion the term "drainage" means rainfall, surface and subsoil  
25 water, and "sewage" means domestic and manufacturing filth  
26 and refuse.

Sect. 7. Upon petition to said board by the mayor of a  
2 city, the selectmen of a town, the trustees of a water district,  
3 the managing board or managing officer of any public insti-  
4 tution, or by a board of water commissioners or the president  
5 of a water or ice company, stating that manure, excrement,  
6 garbage, sewage or any other matter which pollutes or tends  
7 to pollute the waters of any stream, pond, spring or water  
8 course used by such city, town, water district, institution, or  
9 company as a source of water or ice supply, the board shall  
10 appoint a time and place within the county where the nuisance  
11 of pollution is alleged to exist for a hearing, and after notice  
12 thereof to persons or corporations interested and a hearing,  
13 if, in its judgment, the public health so requires, shall, by an  
14 order served upon the person or corporation alleged to cause  
15 or permit such pollution, prohibit the deposit, keeping or dis-  
16 charge of any such cause of pollution, and shall order said  
17 person or corporation to desist therefrom and to remove any

18 such cause of pollution, but said board shall not prohibit the  
19 cultivation or use of the soil in question in the ordinary  
20 methods of agriculture if no human excrement is used there-  
21 on. Said board shall not prohibit the use of any structure  
22 which was in existence on or before the first day of January  
23 in the year 1909 upon a complaint made by any city, town,  
24 corporation or water district, or water or ice company unless  
25 such city, town, corporation, water district or company files  
26 with the state board of health a vote of its city council,  
27 selectmen, corporation, water district or company, respect-  
28 ively, that such city, town, corporation, water district or com-  
29 pany will, at its own expense, make such changes in said  
30 structure or its location as said board shall deem expedient.  
31 Such vote shall be binding on such city, town, corporation,  
32 water district or company. All damages caused by such  
33 changes shall be paid by such city, town, corporation, water  
34 district or company. If the parties cannot agree thereon,  
35 the damages shall, on petition of either party, filed within  
36 one year after such changes are made, be assessed by a jury  
37 in the supreme judicial court for the county where such  
38 structure is located.

Sect. 8. Whoever is aggrieved by an order passed under  
2 the provisions of the preceding section may, within three  
3 days after the service of the order upon him, appeal there-  
4 from by giving written notice of appeal to the board and file  
5 a petition for a trial by jury in the supreme judicial court  
6 in the county in which the premises alleged to be affected

7 are located, and, after notice to the board, may have a trial  
8 in the same manner as other civil cases are tried by jury.  
9 If, by mistake of law or fact or by accident, he fails within  
10 said three days to apply as aforesaid, and if it appears to  
11 the court that such failure was caused by said mistake or  
12 accident, and that he has not, since the service of such order  
13 upon him, violated it, he may within thirty days after the  
14 service of the order upon him apply for a jury. The verdict  
15 may either alter, affirm or annul the order, and shall be re-  
16 turned to the court for acceptance; and if accepted, shall  
17 have the effect of a valid order of the board, and may also  
18 be enforced by the court in equity. Such notice as the court  
19 shall order shall be given to the board of water commis-  
20 sioners, if any, mayor of the city, or chairman of the select-  
21 men of the town or president of the trustees of a corporation  
22 or water district or any officer or director of the water or  
23 ice company interested in such order. While the appeal is  
24 pending the order of the board shall be complied with, un-  
25 less otherwise authorized by the board.

Sect. 9. The supreme judicial court shall have jurisdiction  
2 in equity, upon the application of the state board of health  
3 or any person or corporation interested, to enforce its orders,  
4 or the orders, rules and regulations of said board of health,  
5 and to restrain the use or occupation of the premises or such  
6 portion thereof as said board may specify, on which such  
7 material is deposited or kept, or such other cause of pollu-  
8 tion exists, until the orders, rules and regulations of said  
9 board have been complied with.

Sect. 10. The agents or servants of said board may enter  
2 any building, structure or premises for the purpose of ascer-  
3 taining whether sources of pollution or danger to the water  
4 supply there exist and whether the rules, regulations and  
5 orders aforesaid are being and have been obeyed. Their  
6 compensation for services rendered in connection with pro-  
7 ceedings under the provisions of section seven shall be fixed  
8 by the board, and shall, if approved by the governor and  
9 executive council, be paid by the state; but the whole amount  
10 so paid shall, at the end of each year ending December 31st,  
11 be justly and equitably apportioned by the state board of  
12 assessors between such cities, towns and companies as during  
13 said year have instituted said proceedings, and may be re-  
14 covered in an action by the state treasurer with interest from  
15 date of demand. The members of said board except the  
16 secretary shall receive no salaries, but for services rendered  
17 by them in making examinations of suspected waters and  
18 for hearing complaints as herein provided, they shall be  
19 allowed the sum of five dollars per day and traveling ex-  
20 penses, to be audited, paid and apportioned and recovered  
21 as herein provided in case of the agents and servants of said  
22 board.

Sect. 11. Whoever violates any rule, regulation or order  
2 made under the provisions of this chapter shall be punished  
3 for each offense by a fine of not more than \$500 to the use  
4 of the state, or by imprisonment for not more than one year,  
5 or by both such fine and imprisonment.



Sect. 12. No sewage, drainage, refuse or polluting matter  
2 of such kind and amount as, either by itself or in connection  
3 with other matter, will corrupt or impair the quality of the  
4 water of any pond or stream used as a source of water or ice  
5 supply by a city, town, corporation, water district, public  
6 institution or water or ice company, or persons for domestic  
7 use, or render it injurious to health, shall be discharged into  
8 any such stream or pond or feeders of such stream or pond  
9 or upon their banks.

Sect. 13. The supreme judicial court upon application of  
2 the mayor of a city, the selectmen of a town, the trustees  
3 of a corporation or of a water district, or the managing  
4 board or managing officer of a public institution, or a water  
5 or ice company interested, or any local board of health, or  
6 the state board of health, shall have jurisdiction in equity to  
7 enjoin the violation of the provisions of section twelve of  
8 this act.

Sect. 14. Whoever wilfully and maliciously defiles or cor-  
2 rupts any spring or other source of water, or reservoir, or  
3 destroys or injures any pipe, conductor of water or other  
4 property pertaining to an aqueduct, or aids or abets in any  
5 such trespass, shall be punished by a fine of not more than  
6 one thousand dollars or by imprisonment for not more than  
7 one year.

Sect. 15. Whoever wilfully deposits excrement or foul or  
2 decaying matter in water which is used for the purpose of  
3 domestic water or ice supply, or upon the shore thereof with-

4 in five rods of the water, shall be punished by a fine of not  
5 more than fifty dollars or by imprisonment for not more  
6 than thirty days; and a police officer or constable of a city  
7 or town in which such water is wholly or partly situated,  
8 acting within the limits of his city or town, and any execu-  
9 tive officer or agent of a water board, water district, board  
10 of water commissioners, public institution, or water or ice  
11 company furnishing water or ice for domestic purposes act-  
12 ing upon the premises of such board, water district, insti-  
13 tution or company and not more than five rods from the  
14 water, may without a warrant arrest any person found in  
15 the act of violating the provisions of this section, and detain  
16 him until a complaint can be made against him therefor.  
17 But the provisions of this section shall not interfere with  
18 the sewage of a city, town, or public institution or prevent  
19 the enriching of land for agricultural purposes by the owner  
20 or occupant thereof.

Sect. 16. The sum of four thousand dollars shall annually  
2 be appropriated to enable the state board of health to carry  
3 out the provisions of this act.