

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 504

House of Representatives, March 7, 1917.

Printed under joint rules.

W. R. ROIX, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVENTEEN

AN ACT to prevent the sources of domestic water supply from
becoming polluted.

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

Section 1. The Public Utilities Commission shall consult
2 with and advise the authorities of cities and towns and
3 persons and corporations having, or about to have, systems
4 of water supply, drainage or sewage as to the most appro-
5 priate source of water supply and the best method of assur-
6 ing its purity or as to the best method of disposing of
7 their drainage or sewage with reference to the existing and
8 future needs of other cities, towns or persons or corpora-

9 tions which may be affected thereby. It shall also consult
10 with and advise persons or corporations engaged or intend-
11 ing to engage in any manufacturing or other business whose
12 drainage or sewage may tend to pollute any inland water,
13 as to the best method of preventing such pollution, and it
14 may conduct experiments to determine the best method of
15 the purification or disposal of drainage or sewage. No per-
16 son shall be required to bear the expense of such consulta-
17 tion, advice or experiment. Cities, towns, persons and cor-
18 porations shall submit to said commission for its advice
19 their proposed system of water supply or of the disposal
20 of drainage or sewage and all petitions to the legislature
21 for authority to introduce a system of water supply, drain-
22 age or sewage shall be accompanied by a copy of the recom-
23 mendation and advice of said commission thereon. In this
24 section the term "drainage" means rainfall, surface and sub-
25 soil water only, and "sewage" means domestic and manu-
26 facturing filth and refuse.

Sect. 2. Upon petition to said commission by the mayor
2 of a city or the selectmen of a town, the managing board
3 or officer of any public institution, or by a board of water
4 commissioners, or the president or other official of a water
5 or ice company, stating that manure, excrement, garbage,
6 sewage or any other matter pollutes or tends to pollute the
7 waters of any stream, pond, spring or water course used
8 by such city, town, institution or company, as a source of
9 water supply, the commission shall appoint a time and place

10 within the county where the nuisance or pollution is alleged
11 to exist for a hearing, and after such notice thereof to par-
12 ties interested and a hearing, if in its judgment the public
13 health so requires, may, by an order served upon the party
14 causing or permitting such pollution, prohibit the deposit,
15 keeping or discharge of any such cause of pollution, and shall
16 order him to desist therefrom and to remove any such cause
17 of pollution; but the commission shall not prohibit the cul-
18 tivation and use of the soil in the ordinary methods of agri-
19 culture if no human excrement is used thereon. Said com-
20 mission shall not prohibit the use of any structure which was
21 in existence on or before the first day of January in the year
22 A. D. nineteen hundred and seventeen, upon a complaint
23 made by any city, town, corporation or water district, water
24 or ice company, unless such city, town, corporation, water
25 district or company files with said commission a vote of its
26 city council, selectmen, corporation, water district or com-
27 pany that such city, town, corporation, water district or com-
28 pany will, at its own expense, make such changes in said
29 structure or its location as said commission shall deem ex-
30 pedient. Such vote shall be binding on such city, town, cor-
31 poration, water district or company and all damages caused
32 by any such change shall be paid by such city, town, cor-
33 poration, water district or company. If the parties cannot
34 agree thereon, the damage shall, on petition of either party,
35 filed within one year after such changes are made, be as-
36 sessed by a jury in the supreme judicial court for the county
37 where such structure is located.

Sect. 3. Whoever is aggrieved by an order passed under
2 the provisions of the preceding section may appeal therefrom
3 to the supreme judicial court sitting in the county where ap-
4 pellant resides; but such notice of the pendency of the ap-
5 peal as the court shall order shall also be given to the board
6 of water commissioners and the mayor of the city or chair-
7 man of the selectmen of the town or president or other offi-
8 cer of the water or ice company interested in such order.
9 While the appeal is pending, the order of the commission
10 shall be complied with unless otherwise authorized by the
11 commission.

Sect. 4. The supreme judicial court shall have jurisdiction
2 in equity, upon the application of the Public Utilities Com-
3 mission or of any party interested, to enforce its orders, or
4 the orders, rules and regulations of said Public Utilities
5 Commission, and to restrain the use or occupation of the
6 premises or such portion thereof as said commission may
7 specify, on which said material is deposited or kept, or such
8 other cause of pollution exists, until the orders, rules and
9 regulations of said commission have been complied with.

Sect. 5. The agents and servants of said Public Utilities
2 Commission may enter any building, structure, or premises
3 for the purpose of ascertaining whether sources of pollution
4 or danger to the water supply there exists, and whether the
5 rules, regulations and orders aforesaid are obeyed.

Sect. 6. Unless the Public Utilities Commission deter-
2 mines that public health will not thereby be seriously injured,

3 no sewage, drainage, refuse or polluting matter of such kind
4 and amount as either by itself or in connection with other
5 matter will corrupt or impair the quality of the water of
6 any pond or stream used as a source of ice or water supply
7 by a city, town, public institution or water company for do-
8 mestic use or render it injurious to health and no human
9 excrement, shall be discharged into any such pond or stream
10 or upon the banks thereof if any filtering basin in use is
11 there situated. The prohibition against the deposit of sew-
12 age, drainage, refuse, polluting matter and human excrement
13 shall not apply to the following rivers, namely, the Penob-
14 scot, the Kennebec, the Androscoggin and the Saco.

Sect. 7. Whoever violates any rule, regulation or order
2 made under the provisions of any section hereof shall be
3 punished for each offense by a fine of not more than five
4 hundred dollars to the use of the state or by imprisonment
5 for not more than one year or by both such fine and impris-
6 onment.

Sect. 8. Said commission may appoint, employ and fix the
2 compensation of such agents, clerks, servants, engineers and
3 expert assistants as is considered by said commission neces-
4 sary; and for the purpose of carrying out the provisions of
5 this act, said commission may expend the sum of not over
6 four thousand dollars in each of the years nineteen hundred
7 seventeen and nineteen hundred eighteen which sums are
8 hereby appropriated therefor.