

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 315

H. P. 1026 House of Representatives, February 8, 1929.

On motion of Mr. Milliken of Old Orchard, tabled pending reference to a committee and 500 copies ordered printed. Specially assigned for Wednesday, Feb. 13th.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. St. Clair of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

AN ACT Relating to Control of Pollution of Sources of Public
Water Supply and Other Inland Waters.

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

Sect. 1. The state department of health shall consult with
2 and advise the authorities of cities and towns and persons
3 and corporations having, or about to have, systems of water
4 supply, drainage or sewerage as to the most appropriate
5 source of water supply and the best method of assuring
6 its purity or as to the best method of disposing of their
7 drainage or sewage with reference to the existing and fu-
8 ture 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 department for its advice
19 their proposed system of water supply or of the disposal of
20 drainage or sewage and all petitions to the legislature for
21 authority to introduce a system of water supply, drainage
22 or sewerage shall be accompanied by a copy of the recom-
23 mendation and advice of said department thereon. In this
24 section the term "drainage" means rainfall, surface and
25 sub-soil water only, and "sewage" means domestic and man-
26 ufacturing filth and refuse.

Sect. 2. Upon petition to said department 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
7 the waters of any stream, pond, spring or water source
8 used by such city, town, institution or company, as a source
9 of water supply, the department shall appoint a time and
10 place within the county where the nuisance of pollution is

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

Sect. 3. Whoever is aggrieved by an order passed under
2 the provisions of the preceding section may appeal there-
3 from to the supreme judicial court sitting in the county
4 where appellant resides; but such notice of the pendency
5 of the appeal as the court shall order shall also be given
6 to the board of water commissioners and the mayor of the
7 city or chairman of the selectmen of the town or president
8 or other officer of the water or ice company interested in
9 such order. While the appeal is pending, the order of the
10 department shall be complied with unless otherwise author-
11 ized by the department.

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

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

Sect. 6. Unless the state department of health determines
2 that public health will not thereby be seriously injured,

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

Sect. 8. All previous acts inconsistent with this act are
2 hereby repealed.

Sect. 9. Said department may appoint, employ and fix the
2 compensation of such agents, clerks, servants, engineers and
3 expert assistants as is considered by said department neces-
4 sary; and for the purpose of carrying out the provisions
5 of this act, said department may expend the sum of not
6 over four thousand dollars annually, which sums are hereby
7 appropriated therefor.