

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 559

H. P. 1541 House of Representatives, March 1, 1929.

Referred to Committee on Interior Waters and 1000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Campbell of Leeds.

STATE OF MAINE

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

AN ACT to Control the Pollution of Inland Waters.

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

Section 1. Upon petition to the public utilities commis-
2 sion, signed by the mayor of a city, the selectmen of a town,
3 the commissioner of sea and shore fisheries, the lessee or
4 owner of any industrial establishment, or any twenty-five
5 citizens of the state, stating that manure, excrement, gar-
6 bage, sewerage as defined in section one of chapter ninety-
7 eight of the public laws of nineteen hundred and seventeen,
8 industrial waste, or any other matter that pollutes or tends
9 to pollute the waters of any river, stream, lake, pond or

10 spring in such a way as to become inimical and injurious
11 to animal and aquatic life or to the use of such water for
12 industrial consumption, the commission shall appoint a
13 time and place within the county where the nuisance of
14 pollution is alleged to exist for a hearing and after notice
15 thereof to parties interested and a hearing if in their judg-
16 ment the public health or interests so require and if they
17 find that such use is not a reasonable and natural use of
18 such waters and is or may become injurious to the public
19 health or to animal or aquatic life may, by an order served
20 upon the party causing or permitting such pollution, pro-
21 hibit the deposit, keeping or discharge of any such cause
22 of pollution, and shall order him to desist therefrom and
23 to remove any such cause of pollution; but the commission
24 shall not prohibit the cultivation and use of the soil in the
25 ordinary methods of agriculture if no human excrement is
26 used thereon.

Sect. 2. 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 While the appeal is pending, the order of the commission
7 shall be complied with unless otherwise authorized by the
8 commission.

Sect. 3. The supreme judicial court shall have jurisdic-
2 tion in equity, upon the application of the public utilities

3 commission or of any party interested, to enforce its or-
4 ders, or the orders, rules and regulations of said public
5 utilities commission, and to restrain the use or occupation
6 of the premises or such portion thereof as said commission
7 may specify, on which said material is deposited or kept,
8 or such other cause of pollution exists until the orders,
9 rules and regulations of said commission have been com-
10 plied with.

Sect. 4. The agents and servants of said commission may
2 enter any building, structures, or premises for the purpose
3 of ascertaining whether sources of pollution exist, and
4 whether the rules, regulations and orders aforesaid are
5 obeyed.

Sect. 5. 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. 6. The commission shall have power to make a
2 complete survey of the inland waters of the state in order
3 to ascertain the extent of pollution in said waters and the
4 remedies to be employed to purify said waters. It shall
5 have power to adopt such rules and regulations not incon-
6 sistent with this act as may be deemed necessary for the
7 protection of the purity of the waters of the state or parts
8 thereof, and to purify those now polluted, and to assure

9 the proper and practical operation and maintenance of
10 treatment works approved by it. Its agents may enter upon
11 lands, buildings and premises as may be necessary for its
12 investigations. It shall conduct scientific experiments and
13 researches under its personal supervision, or in colleges and
14 universities, for the purpose of ascertaining reasonable and
15 practical means for the treatment of industrial waste so
16 that when the same has been treated, the effluent thereof,
17 discharged into the waters of the state, shall not be in-
18 jurious to the public health or to animal or aquatic life, or
19 to the use of the water for industrial purposes.

Sect. 7. It shall be unlawful for any person to put or
2 place into any of the inland waters of the state any explo-
3 sive, or to put or to allow any substance of any kind or
4 character, injurious or inimical to the public health or to
5 animal or aquatic life, or to the uses of water for indus-
6 trial purposes, to be turned into, or to run or flow or wash
7 or to be emptied into any of the inland waters of the state.
8 Any person violating the provisions of this section shall,
9 upon conviction thereof be sentenced to pay a fine of not
10 less than one hundred dollars nor more than five hundred
11 dollars. Nothing contained in this section shall be con-
12 strued to apply to any sewage or industrial waste, the dis-
13 charge of which is regulated or prohibited by the preceding
14 sections of this act. This section shall not be construed
15 to prohibit the use of explosives for engineering purposes

16 when a written permit has been given therefor by proper
17 national, state or municipal authorities.

Sect. 8. The commission shall have power to adopt and
2 promulgate reasonable rules and regulations for the pur-
3 pose of preventing petty pollutions, and to provide for and
4 regulate the installation and maintenance of septic tanks,
5 or other methods of treatment whenever deemed necessary
6 by the commission.

Sect. 9. The provisions of this act shall not apply to the
2 Penobscot river in and below the city of Old Town and
3 the town of Milford; the Androscoggin river in and below
4 the cities of Lewiston and Auburn; the Kennebec river in
5 and below the city of Waterville and the town of Winslow
6 and the Saco river in and below the cities of Biddeford
7 and Saco.

Sect. 10. Section six of chapter ninety-eight of the pub-
2 lic laws of nineteen hundred seventeen is hereby amended
3 to read as follows:

'Sect. 6. Unless the public utilities commission deter-
2 mines that public health will not thereby be seriously in-
3 jured, no sewage, drainage, refuse or polluting matter of
4 such kind and amount as either by itself or in connection
5 with other matter will corrupt or impair the quality of the
6 water of any pond or stream used as a source of ice or
7 water supply by a city, town, public institution or water
8 company for domestic use or render it injurious to health
9 and no human excrement shall be discharged into any such

10 pond or stream or upon the banks thereof if any filtering
11 basin in use is there situated. The provisions of this act
12 shall not apply to the Penobscot river in and below the city
13 of Old Town and the town of Milford; the Androscoggin
14 river in and below the cities of Lewiston and Auburn; the
15 Kennebec river in and below the city of Waterville and the
16 town of Winslow, and the Saco river in and below the cities
17 of Biddeford and Saco.'

Sect. 11. All previous acts inconsistent with this act are
2 hereby repealed.

Sect. 12. Said commission may appoint, employ and fix
2 the compensation of such agents, clerks, servants, engineers
3 and expert assistants as are considered by said commission
4 necessary.