

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 855

H. P. 1582

House of Representatives, February 14, 1939.

Referred to Committee on Judiciary and sent up for concurrence. 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Tardif of Bath.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relative to Pollution of Inland Water.

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

R. S., c. 38, § 36, amended. Section 36 of chapter 38 of the revised statutes, as revised, is hereby repealed and the following inserted in place thereof:

‘Sec. 1. There shall be created an agency known as the “Water Purity Control Board.” This board shall consist of 5 members, 1 to be appointed by each of the following agencies:

- 1.—Department of Inland Fisheries and Game.
- 2.—Department of Sea and Shore Fisheries.
- 3.—Public Utilities Commission.
- 4.—Public Health Service.
- 5.—Federated Sportsmen’s Clubs of Maine.

These members shall be appointed for a term of from 1 to 5 years, the term of each member to be decided by lot, and all following appointments to be for a term of 5 years.

The retiring member shall automatically become chairman of the board.

It shall be the duty of this board to cooperate with municipalities and industries as well as with individuals in solving all problems of pollution

control. This board shall have the authority to cause the arrest and to bring suit in the name of the state of Maine against any individual, firm, corporation or municipality, for any violation of the provisions of this act. This board shall have the final voice of approval of all projects, constructed by authority of this act in the name of an individual, firm or municipality.

The members of the Water Purity Control Board shall be paid \$10 per day and expenses when on official duty, and the term expenses shall include the hire of a full time clerk, as well as the hiring of such technicians as may be necessary. These funds shall be drawn from the contingent fund of the state.

All duly appointed municipal police, sheriffs and their deputies, state police and state game wardens are authorized to arrest any violators of any section of this act.

Sec. 2. Article 1. No municipality shall, after the passage of this act, construct or complete construction of any new sewer, so as to discharge into the waters of the state, without incorporating into said new sewer a treatment plant satisfactory to the Water Purity Control Board.

Article 2. No new industries shall be established, nor shall any existing industrial plants be re-opened, if closed for more than two years prior to January 1, 1939, until they shall have installed such sewage treatment plants and such industrial salvage plants as may be required under the terms of this act.

Sec. 3. Article 1. Commencing from the date of passage of this act, no oil from any source shall be deposited in any of the waters of the state, nor shall any public or private sewers be used to carry off waste oil from any filling station, industrial plant, refinery or other source.

It shall be unlawful for any person, firm, or corporation to deposit in the waters of the state any poison, or poisonous substance, which can be inhibitive to fish life; but this article shall not prohibit a municipal water supply company from using poison to kill algae in ponds, used as a source for domestic water supply.

It shall be unlawful for any person to deposit any garbage, or any other vegetable or animal matter which is subject to decomposition, in any of the waters of the state, or on the banks thereof, or on the ice or snow covering said waters, or the banks thereof.

Article 2. From the date of 1 year from the passage of this act, it shall be unlawful for any person, firm or corporation to deposit any sawdust, bark, lumber or refuse of any kind from any sawmill, or other wood work-

ing plant of any type in any of the waters of the state, or on the banks of said waters in such a manner that they may fall or be washed into the water. The provisions of this article shall not apply to the waste products of an already established paper mill.

Article 3. Commencing 5 years from the passage of this act, it shall be unlawful for any privately owned sewer to discharge any sewage into any of the waters of the state, unless said sewers are equipped with a septic tank or other device satisfactory to the Water Purity Control Board. This article shall not be so construed as to apply to such private sewers as may readily be connected with the lines of a municipal treatment plant, provided, however, that in such cases an agreement must be drawn up between the owner of said private sewer and the board of trustees of the sewer district of the city or town in which the treatment plant shall be located. This agreement must be placed on record with the Water Purity Control Board before the expiration of the 5 year term for the completion of private projects.

Article 4. Commencing 15 years from the date of the passage of this act, it shall be unlawful for any municipality to discharge any sewage into any of the waters of the state without first passing said sewage through a treatment plant which shall be satisfactory to the Water Purity Control Board.

Article 5. By virtue of the passage of this act, it shall be lawful for any city, town or plantation to create a sewer district, which shall be responsible to the Water Purity Control Board for the financing, construction, operation and maintenance of a suitable disposal plant for said city, town or plantation.

The sewer district of any municipality may, under the joint supervision of the Water Purity Control Board and the Public Utilities Commission, issue such series of bonds as may be necessary to finance the construction of a treatment plant, and may collect such fees from the users of said treatment plant as may be necessary for the operation and maintenance of said plant and also for the eventual amortization of the bonds issued. Any waste products from such treatment plants which may have a sale value shall be disposed of by the sewer district, and the proceeds used to reduce the bonded debt of said sewer district.

Each sewer district shall be organized under the joint supervision of the Water Purity Control Board and the Public Utilities Commission within a period of 4 years from the date of passage of this act, and such rules and regulations as the board of trustees of any such sewer district shall draw

up must be approved by said Water Purity Control Board and said Public Utilities Commission.

Article 6. Commencing 25 years from the date of the passage of this act, it shall be unlawful for any industry to deposit any industrial waste of any nature in any of the waters of the state, if said waste shall be deemed by the Water Purity Control Board to be injurious to fish and other aquatic life; a menace to public health, or detrimental in any way to the vacational value of said waters or their adjacent shores.

Sec. 4. Article 1. Any person, firm, corporation or municipality convicted of the violation of any of the provisions of this act shall pay a fine of not less than \$100, nor more than \$5,000, and in addition may be required by the court to furnish a bond of from \$1,000 to \$5,000, same to be forfeited upon failure to complete such work as the Water Purity Control Board may demand, within a specified time, to be set by the court.

Article 2. Any person convicted of a 2nd violation of any section of this act shall be fined not less than \$100, nor more than \$5,000, and may be sentenced to jail for a period of from 1 to 5 years.

Article 3. Any municipality, firm or corporation which has been convicted, fined and forfeited a bond under the provisions of section 4, article 1, of this act, shall, without further recourse to law, function directly under the supervision of the Water Purity Control Board, and said municipality, firm or corporation shall furnish, at their expense, such clerical and technical personnel, to expedite their pollution clearance problem, as the Water Purity Control Board may demand.

Article 4. All funds collected either through fines or the forfeit of bonds shall be paid into the contingent fund of the state to replace any funds used for the maintenance of the Water Purity Control Board.