

MAINE STATE LEGISLATURE

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

Legislative Document

No. 229

H. P. 677

House of Representatives, January 29, 1941.

On motion of Mr. Lambert of Lewiston tabled pending reference and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Lambert of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

**AN ACT to Establish a Sanitary Water Board and to Control, Prevent
and Abate Pollution of Certain Waters in the State.**

Emergency preamble. Whereas, the pollution of the Androscoggin river has created a situation dangerous to life and property; and

Whereas, the following bill will aid in controlling the said pollution; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Sanitary water board, members, technical secretary, meetings. There is hereby created and established a sanitary water board consisting of the commissioner of health and welfare; the commissioner of agriculture; the commissioner of inland fisheries and game; the chairman of the public utilities commission; and a representative of the manufacturing interests of the state. The representative of the manufacturing interests shall be appointed by the governor and shall hold office for 4 years and until his successor is appointed and duly qualified. The other members

shall hold office for such period of time as they shall continue in their respective offices. The director members of the board shall receive no additional compensation for their services as members of the board other than that provided by law or by appropriation by the legislature for their respective positions as heads of state departments. The member appointed by the governor shall receive no compensation for his services, but he shall receive necessary traveling expenses for any meeting of the board or for trips which he may make in connection with the work of the board, which traveling expenses shall be paid out of the regular traveling appropriations made to the respective departments.

The sanitary water board shall hold at least 6 regular meetings each calendar year at the office of one of the members and at times to be fixed by the board. The board shall select at its first meeting following the passage and approval of this act, one of its members to serve as chairman and at the first regular meeting in each calendar year thereafter the chairman for the ensuing year shall be selected. The chief sanitary engineer of the department of health and welfare shall serve as technical secretary of the board. He shall receive no additional compensation for such services and during the interim between meetings of the board he shall handle such correspondence, make or arrange for such inspections and investigations and obtain, assemble or prepare such reports and data as the board may direct and authorize. Special meetings may be called by the chairman or by 2 members of the board by delivery of written notice at the office of each member of the board. Three members of the board shall constitute a quorum.

Sec. 2. Powers and duties of board; "pollution", defined. It shall be the duty of the sanitary water board to study, investigate, and from time to time, determine ways and means of eliminating from the streams and waters of the state, so far as practicable, all substances and materials which pollute, or tend to pollute, the same, and to determine methods, as far as practicable, of preventing pollution that is detrimental to the public health, or to the health of animals, fish, or aquatic life, or detrimental to the practicable use of the waters for recreational purposes.

For the purposes of this act, pollution shall be regarded as existing in any of said waters, if, as the result of any discharge of any liquid or solid substances, the quality of any of said waters, after reasonable treatment, is impaired for public water supply, bathing or recreational purposes, if said waters were reasonably capable for use for public water supply, bathing or recreational purposes before the discharge occurred of

which complaint has been made to said sanitary water board; or, if obnoxious odors result from such discharge into any of said waters near buildings, roads and lands occupied or used by human beings, provided that odors shall not be deemed to be obnoxious in any case where the sanitary water board has determined that the discharge causing such odors does not constitute pollution within the meaning of this act; or, if the quality of any said waters is impaired for the use of live stock, or kills, or is injurious to fish life, when said waters were reasonably practicable for use for watering live stock or for fish life.

The sanitary water board shall have the right to decide and define where such pollution exists and it is hereby given exclusive jurisdiction for that purpose.

Sec. 3. "Sewage," etc., defined. "Sewage" as used in this act includes the water-carried wastes created in and conducted away from residences, public buildings, institutions, industrial establishments or any buildings in which such wastes are produced, together with such underground, surface and storm water as may be present. "Sewerage system" as used herein includes all structures, conduits, pipe lines and treatment works by which sewage is collected, carried or treated and discharged except the plumbing systems inside buildings and the drain pipe from buildings to street sewers.

Sec. 4. Permit required for installation of or change in sewerage system. No sewerage system which proposes to discharge into any of the aforesaid waters sewage or any other liquid or solid substance of a decomposable or putrescible, acid or other character, which may cause pollution of any of the aforesaid waters of the state, shall be installed until a written permit for such sewerage system has been granted by the sanitary water board. No changes, additions or extensions to any existing sewerage systems discharging into any of the aforesaid waters, including changes or additions to or extensions of the method of treating or disposing of the sewage, shall be made until plans for such changes, additions or extensions shall have been submitted to and a written permit obtained from the sanitary water board. Provided, however, that no permit shall be required for any new sewer system or changes or additions to or extensions of existing systems that receive or may receive only domestic or sanitary sewage from a building housing or occupied by 15 persons or less.

Sec. 5. Plans and specifications to be submitted before permit issued. Plans and specifications for any sewerage system covered by this act shall be submitted to the sanitary water board before a written permit may be issued and the construction of any such sewerage system shall be in accord-

ance with said plans and specifications. In case it shall be necessary or desirable to make material changes in such plans or specifications, revised plans or specifications, together with the reasons for the proposed changes shall be submitted to the sanitary water board for a supplemental written permit.

Sec. 6. May require owner of sewerage system to submit plans. The sanitary water board may require any owner of a sewerage system discharging into any of the aforesaid waters to file with it complete plans of the whole or any part of such system and any other information and records concerning the installation and operation of such system.

Sec. 7. Procedure for review of plans. The sanitary water board shall have the right to establish procedure for the review of any plans, specifications or other data relative to any sewerage system, written permits for which are required by this act, and may make use of such assistance for such review as existing state departments and divisions may be able to render.

Sec. 8. Rules for submission of plans. The sanitary water board shall have the right to adopt and enforce rules and regulations governing the method and manner under which plans, specifications or other data relative thereto shall be submitted for sewerage systems or for additions or changes to or extensions of such systems.

Sec. 9. Order to discontinue discharge; notice; hearing. Whenever the sanitary water board shall determine that sewage or any other liquid or solid substance of a decomposable or putrescible, acid or other character, is being discharged into any of the aforesaid waters and when, in the opinion of the sanitary water board, such discharge causes pollution as defined by this act, the sanitary water board may order whomever causes such discharge to show cause before said board why such discharge should not be discontinued. A notice shall be served on the offending party directing him or it to show cause before the said sanitary water board, on a date specified in such notice, why an order should not be made directing the discontinuance of such discharge. Such notice shall specify the time when and the place where a public hearing will be held by the sanitary water board and notice of such hearing shall be served personally or by registered mail at least 10 days before said hearing; and in the case of a municipality or a corporation such service shall be upon an officer thereof. The sanitary water board shall take evidence with reference to said matter and may issue an order to the party responsible for such discharge, directing that within a specified period of time thereafter such discharge be discontinued

unless adequate treatment works shall have been installed or existing adequate treatment works be properly operated.

Sec. 10. Revocation, modification of permit. Any permit authorized and issued under the provisions of this act may, when necessary, in the opinion of said board, to prevent or abate pollution of any of the aforesaid waters, be revoked or modified by the sanitary water board after investigation, notice and hearing, as provided in section 9 of this act.

Sec. 11. Investigation of sanitary qualities of water. The sanitary water board shall have power to examine and investigate the sanitary quality of and establish standards of purity for any of the aforesaid waters and for those purposes the members thereof or its employees or representatives may enter and cross all lands in this state without doing damage to private property.

Sec. 12. Continued pollution to be considered nuisance. If the pollution of any of the aforesaid waters within the meaning of this act is continued contrary to orders of the sanitary water board, it shall constitute a nuisance which may be abated in actions commenced and maintained by the attorney general in the name of the state in the manner in which other nuisances are abated.

Sec. 13. Filing complaint of pollution. Whenever any complaint of pollution of any of the aforesaid waters shall be filed with the sanitary water board it shall be the duty of the board to have such engineering, analytical, bacteriological, chemical, biological and other studies made as may be necessary, and if the pollution is found to exist, it shall be the duty of the sanitary water board to proceed as provided in this act.

Sec. 14. Penalties. Whoever violates any provisions of this act or fails to comply with any order of the sanitary water board in accordance with the provisions of this act shall be punished by a fine of \$100. Each day's continuance of such violation of failure shall constitute a separate offense.

Sec. 15. Municipalities may install outlets for sewerage systems. Cities, villages and incorporated towns shall have power to install and maintain outlets, discharging into the aforesaid waters, for sewerage systems constructed prior or subsequent to the taking effect of this act and subject to the provisions of this act.

Sec. 16. Cooperation with other states. The board is hereby authorized to cooperate with any neighboring state for the purpose of carrying out the provisions of this act in respect to waters that run through both of

said states, and for the purpose of assisting the cooperating state in carrying out a similar project.

Sec. 17. Repealing clause. All acts or parts of acts inconsistent herewith are hereby repealed or amended to conform with the provisions hereof.

Sec. 18. Validity. If any section, sentence, clause or phrase of this act is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Emergency clause. In view of the emergency cited in the preamble this act shall take effect when approved.