

MAINE STATE LEGISLATURE

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NINETY - SECOND LEGISLATURE

Legislative Document

No. 1132

H. P. 1442

House of Representatives, April 5, 1945.

Reported by Mr. Ward from Committee on Judiciary and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Relating to the Sanitary Water Board.

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

Sec. 1. R. S., c. 72, § 1, amended. The 3rd paragraph of section 1 of chapter 72 of the revised statutes is hereby amended to read as follows:

‘It shall be the duty of the board to study, investigate, and from time to time recommend to the persons responsible for the conditions, ways and means of eliminating from the streams and waters of this state, so far as practicable, all substances and materials which pollute, or tend to pollute the same, and to endeavor and to recommend 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 said rivers and waters for recreational purposes. ~~The chief sanitary engineer of the department of health and welfare shall serve as technical secretary of the board.~~ **The board shall appoint a technical secretary who shall be a sanitary engineer employed by the bureau of health, department of health and welfare.** 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.

Sec. 2. R. S., c. 72, §§ 3-8, additional. Chapter 72 of the revised statutes is hereby amended by adding thereto 6 new sections, to be numbered 3 to 8, inclusive, to read as follows:

'Sec. 3. Pollution restricted. No person, firm or corporation shall hereafter discharge into any stream, river, pond, lake or other body of water, or water course, or any tidal waters any waste, refuse or effluent from any manufacturing, processing or industrial plant or establishment so as to constitute a new source of pollution to said waters without first obtaining a license therefor from the sanitary water board; provided, however, that no application for a license shall be required hereunder for any manufacturing, processing or industrial plant or establishment, now or heretofore operated, for any such discharge at its present general location, such license being hereby granted.'

'Sec. 4. Application for licenses. Applications for licenses for such discharge shall be in writing signed by the applicant and filed with the sanitary water board in such form as the board may require. Said board shall set a time and place for hearing on said application, which time shall be within 30 days from the date of the filing of the application, and shall give such notice of the hearing as it deems adequate. If after hearing the board shall determine that such discharge will not cause or increase the pollution of any stream, river, pond, lake or other body of water, or water course or tidal waters to such extent as to be inconsistent with the public interest, it shall issue such license to the applicant upon payment of the sum of \$50.'

'Sec. 5. Appeals. Any person aggrieved by any order or decision of said board with respect to any application for license hereunder may, within 30 days after notice of the filing of such order or decision, appeal therefrom to any justice of the superior court by presenting a copy of such order or decision, certified by the clerk of said board to the clerk of courts for the county of Kennebec; whereupon said court shall fix a time and place for hearing thereon and order such notice as to the court appears reasonable, at which hearing the applicant and any other interested persons shall submit evidence and the court shall enter its findings and decree sustaining, reversing or modifying such order or decision of said board in such manner and to such extent as the court determines not to be inconsistent with the public interest.

Such decree shall have the same effect and all proceedings in relationship thereto shall thereafter be the same as though rendered in a suit in equity duly heard and determined by said court and appeal may be had therefrom

in the same manner as in appeals in equity procedure and the law court may after consideration reverse or modify any decree so made.'

'Sec. 6. Injunctions. In the event of the violation of any of the provisions of this chapter, or of any order or decision of the sanitary water board hereunder, or decree of the court hereunder, as the case may be, the attorney-general may institute injunction proceedings to enjoin the further violation thereof.'

'Sec. 7. Nothing contained in this chapter shall affect any litigation pending on January 1, 1945 under any other statute nor in any way impair any decrees or orders of court heretofore or hereafter entered in any proceedings so pending nor shall the granting of any license or authority under the provisions of this chapter limit the powers of the state to initiate, prosecute and maintain actions to abate public nuisances to the extent consistent with the public interest.'

'Sec. 8. Constitutionality. If any part of this chapter be decided by the court to be unconstitutional or invalid, the same shall not affect the validity of the chapter as a whole or any part thereof which can be given effect without the part so decided to be unconstitutional or invalid.'