

MAINE STATE LEGISLATURE

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

Legislative Document

No. 722

S. P. 260

In Senate, February 12, 1947.

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Morrill of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Providing That the State of Maine May Become a Party to the New England Interstate Water Pollution Control Compact.

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

· **R. S., c. 72-A, additional.** The revised statutes are hereby amended by adding thereto a new section to be numbered 72-A, to read as follows:

‘CHAPTER 72-A.

Interstate Water Pollution Control.

Sec. 1. Governor to execute compact with other states; form of compact. The governor of this state is hereby authorized and directed to execute a compact on behalf of the state of Maine with any one or more of the states of New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, legally joining therein in the form substantially as follows:

I. Abatement and control of pollution. Each of the signatory states pledges to provide for the abatement of existing pollution and for the control of future pollution of interstate inland and tidal waters as described in subsection II, and consistent with such object to enact adequate legislation which will enable each of the signatory states to put and maintain the waters thereof in a satisfactory condition consistent with the highest planned use of each body of water.

II. Provisions to apply to interstate waterways. It is agreed between the signatory states that the provisions of this compact shall apply to streams, ponds and lakes which are contiguous to 2 or more signatory states or which flow through 2 or more signatory states, or which have tributaries contiguous to 2 or more signatory states or flowing through 2 or more signatory states, and also shall apply to tidal waters contiguous to 2 states.

III. Creation of commission. There is hereby created the New England Interstate Water Pollution Control Commission, hereinafter referred to as the commission, which shall be a body corporate and politic, having the powers, duties and jurisdiction herein enumerated and such other and additional powers as shall be conferred upon it by the act or acts of a signatory state concurred in by the others and by the act or acts of congress when necessary.

IV. Appointment of commission members. The commission shall consist of 5 commissioners from each state, each of whom shall be a resident voter of the state from which he is appointed. The commissioners shall be chosen in the manner and for the terms provided by law of the state from which they shall be appointed. For all states there shall be on the commission members representing state health departments, state water pollution control boards (if such exist), municipal interests, industrial interests, and agencies representing fisheries or conservation.

V. Meetings of commission. The commission shall annually elect from its members a chairman and vice-chairman and shall appoint and at its pleasure remove or discharge such officers. It shall appoint and employ a secretary who shall be a professional engineer versed in water pollution and may employ such stenographic or clerical employees as shall be necessary, and at its pleasure remove or discharge such employees. It shall adopt a seal and suitable by-laws and shall promulgate rules and regulations for its management and control. It may maintain an office for the transaction of its business and may meet at any time or place within the signatory states. It shall meet and organize within 30 days after the effective date of this compact. Meetings shall be held at least twice each year. A majority of the members shall constitute a quorum for the transaction of business, but no action of the commission imposing any obligation on any signatory state or on any municipal agency or sub-division thereof or on any person, firm or corporation therein shall be binding unless a majority of the members from such signatory state shall have voted in favor thereof. Where meetings are planned to discuss matters relevant to problems of water pollution control affecting

only certain of the signatory states, the commission may vote to authorize special meetings of the commissioners of the states especially concerned. The commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report to the governor and the legislature of each state setting forth in detail the operations and transactions conducted by it pursuant to this compact, and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the signatory states which may be necessary to carry out the intent and purpose of this compact. The commission shall not incur any obligations for salaries, office or other administrative or traveling expenses prior to the making of appropriations adequate to meet the same; nor shall the commission pledge the credit of any of the signatory states. Each state reserves the right to provide hereafter by law for the examination and audit of the accounts of the commission by its comptroller or other official. The commission shall appoint a treasurer who may be a member of the commission, and disbursements by the commission shall be valid only when authorized by the commission and when vouchers therefor have been signed by the secretary and countersigned by the treasurer.

VI. Establishment of standards. It is recognized, due to such variable factors as location, size, character and flow and the many varied uses of the waters subject to the terms of this compact, that no single standard of sewage and waste treatment and of quality of receiving waters is practical and that the degree of treatment of sewage and industrial wastes should be decided on the basis of a classification of the receiving waters according to present and proposed highest use, such as for drinking water supply, industrial and agricultural uses, bathing and other recreational purposes, maintenance and propagation of fish life, shellfish culture, navigation and disposal of wastes.

The commission shall establish physical, chemical and bacteriological standards of water quality for various classifications of use. It is agreed that each of the signatory states will prepare a classification of its interstate waters according to present and proposed highest use and for this purpose technical experts employed by state departments of health and state water pollution control agencies are authorized to confer on questions relating to classification of interstate waters affecting two or more states. Each signatory state agrees to submit its classification of its interstate waters to the commission for approval. It is agreed that after such approval all signatory states through their appropriate state health departments and water pollution control agencies will work to establish

programs of treatment of sewage and industrial wastes which will meet standards established by the commission for classified waters.

VII. Repeal or enactment of additional legislation. Nothing in this compact shall be construed to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state imposing any additional conditions and restrictions to further lessen or prevent the pollution of waters within its jurisdiction.

VIII. Appropriation of funds. The signatory states agree to appropriate annually for the salaries, office and other administrative and travel expenses such sum or sums as shall be recommended by the commission and approved by the governors of the signatory states. The state of Massachusetts obligates itself only to the extent of \$6,500 in any one year, the state of Connecticut only to the extent of \$3,000 in any one year, the state of Rhode Island only to the extent of \$1,500 in any one year, and the states of New Hampshire, Maine, and Vermont each only to the extent of \$1,000 in any one year.

IX. Validity. Should any part of this compact be held to be contrary to the constitution of any signatory state or of the United States, all other parts thereof shall continue to be in full force and effect.

X. Action with New York state. The commission is authorized to discuss with appropriate state agencies in New York state questions of pollution of waters which flow into the New England area from New York state or vice versa and to further the establishment of agreements on pollution abatement to promote the interests of the New York and New England area.

Whenever the commission by majority of vote of the members of each signatory state shall have given its approval and the state of New York shall have taken the necessary action to do so, the state of New York shall be a party to this compact for the purpose of controlling and abating the pollution of waterways common to New York and the New England states signatory to this compact but excluding the waters under the jurisdiction of the Interstate Sanitation Commission (New York, New Jersey and Connecticut).

XI. Effective date of compact. This compact shall become effective immediately upon the adoption of the compact by any two contiguous states of New England but only in so far as applies to those states. Thereafter upon ratification by other contiguous states, it shall also become effective as to those states.

Nothing herein contained shall affect or abate any action now pending brought by any governmental board or body created by or existing under any of the signatory states.

Sec. 2. Commissioners; vacancies; terms of office; removal. In pursuance of subsection IV of section 1 of said compact there shall be 5 members, hereinafter in this chapter called commissioners, of the New England Interstate Water Pollution Control Commission, hereinafter in this chapter called "commission", from the state of Maine. One commissioner from the state of Maine shall be the chairman of the state sanitary water board of the state ex officio. A 2nd commissioner shall be the commissioner of health and welfare or the director of health of the state ex officio. A 3rd commissioner shall be a representative of the inland fish and game or sea and shore fisheries departments of the state ex officio. The term of any such ex officio commissioner shall terminate at the time he ceases to hold said state office and his successor in that office shall be his successor as commissioner on this commission. The governor, by and with the consent and advice of the council, shall appoint 2 more commissioners who shall be citizens, one to represent the municipal interests and the other to represent the industrial interests of the state. The term of the last 2 said commissioners shall be for a period of 3 years and he shall hold office until his successor shall be appointed and qualified. The terms of each of the initial 5 members shall begin at the date of the appointment, provided the said compact shall then have gone into effect in accordance with subsection XI of section 1; otherwise they shall begin upon the date upon which said compact shall become effective in accordance with said subsection XI.

Any commissioner may be removed from office by the governor upon charges and after a hearing.

Sec. 3. Powers. There is hereby granted to the commission and the commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the state of Maine are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it being hereby declared to be the policy of the state of Maine to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the state government or administration of the state of Maine are hereby authorized and directed at convenient times and upon request of the said commission to furnish the said commission with information and data pos-

sessed by them or any of them and to aid said commission by loan of personnel or other means lying within their legal rights respectively.

Sec. 4. Powers supplemental to other powers. Any powers herein granted to the commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by other laws of the state of Maine or by the laws of the states of New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island or by the congress or the terms of said compact.

Sec. 5. Accounts. The commission shall keep accurate accounts of all receipts and disbursements and shall report to the governor and the legislature of the state on or before the 10th day of December in each year, setting forth in detail the transactions conducted by it during the 12 months preceding December 1st of that year and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the state of Maine which may be necessary to carry out the intent and purposes of the compact between the signatory states.

The auditor of the state of Maine is hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements and such other items referring to its financial standing as such auditor may deem proper and to report the results of such examination to the governor.

Sec. 6. Appropriation. The sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the expenses of the commission created by the compact authorized by this chapter. The moneys hereby appropriated shall be paid out of the state treasury on the audit and warrant of the controller upon vouchers certified by the chairman of the commission in the manner prescribed by law.'

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