

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. 1389

H. P. 1677

House of Representatives, April 9, 1947.

Reported by Mr. Williams 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-SEVEN

AN ACT Relating to Pollution of Streams.

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

Sec. 1. R. S., c. 33, & 57, repealed. Section 57 of chapter 33 of the revised statutes, as revised, is hereby repealed.

Sec. 2. R. S., c. 72, §§ 6, 7 and 8 renumbered. Sections 6, 7 and 8 of chapter 72 of the revised statutes, as enacted by section 2 of chapter 345 of the public laws of 1945, are hereby renumbered so that the same shall be numbered 7, 8 and 8-A respectively.

Sec. 3. R. S., c. 72, amended. Chapter 72 of the revised statutes, as amended by chapter 345 of the public laws of 1945, is hereby further amended by adding thereto a new section to be numbered 6, to read as follows:

‘Sec. 6. Deposit of slabs, edgings, sawdust, etc., in streams prohibited; penalty. No person, corporation or other party shall place or deposit in the inland waters of this state, or on the banks thereof in such a manner that the same shall fall or be washed into such waters, any slabs, edgings, sawdust, chips, bark, mill waste, shavings or fibrous materials created in the manufacture of lumber or other wood products, or so deposit any oil

regardless of its source, or pollute said waters in manner and extent inconsistent with the public interest. The sanitary water board may make surveys concerning pollution of said waters. Whenever said board finds a condition which, in its opinion, is in violation of this section, it shall attempt to correct the same through negotiation with the persons believed responsible therefor; and upon failure to procure correction, it may apply to any justice of the supreme or superior court, in an action as in equity, brought against any person believed to be in violation hereof. Said court, on due notice and hearing, may abate said condition to an extent consistent with the public interest, and may impose limitations on the nature and extent of deposit in said waters consistent with the public interest. Any person aggrieved thereby may appeal therefrom to the law court as in equity.

The following rivers are exempted from all of the provisions of this section: Salmon Falls river, Mousam river, Saco river, Presumpscot river, Androscoggin river, Little Androscoggin river, Kennebec river, Penobscot river and the West Branch of the Penobscot river and Millinocket stream up to and including the town of Millinocket, St. Croix river and St. Johns river, excepting all tributaries of the aforesaid rivers. Whoever violates any provision of this section shall pay a fine of not less than \$5, nor more than \$100, and costs, for each offense.

Nothing contained in this section shall nullify, modify or in any way affect any license granted by said board or otherwise granted pursuant to or by the provisions of section 3.

If any person, corporation or other party believes it to be necessary in the prosecution of his or its business to deposit some or all of the materials hereinbefore mentioned in this section in any of said waters, or on the banks thereof, to an extent prohibited by this section, he or it may make application to such board which shall give notice thereof and hold a hearing thereon, and which shall have authority to issue an order thereon granting such permit as it deems advisable or denying such application.

Any person, corporation or party aggrieved by any order or decision of said board made pursuant to any of the provisions of this section may appeal from such order or decision to any justice of the superior court in accordance with the procedure outlined in section 5 and all further proceedings upon such appeal shall be in accordance with the provisions of said section 5.'