

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1157

S. P. 430

In Senate, February 26, 1953.

Referred to the Committee on Natural Resources. Sent down for concurrence and 1500 copies ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Squire of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Amending the Water Improvement Commission and Creating
Standards of Classification.

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

Sec. 1. R. S., c. 72, § 1, amended. The 2nd and 3rd paragraphs of section 1 of chapter 72 of the revised statutes, as repealed and replaced by chapter 383 of the public laws of 1951, are hereby amended to read as follows:

‘The members appointed by the governor shall receive ~~no compensation~~ \$10 per day for their services at meetings or hearings ~~but~~ and all members shall receive necessary traveling expenses for attending any meetings of the commission or for any other travel in connection with the official business of the commission and under the specific authority of the commission, which traveling expenses shall be paid out of the general fund ~~but which under no circumstances shall exceed for any fiscal year the amount of \$100 for each member.~~’

‘Meetings of the commission shall be held at such time and place as shall be determined by the commission but not less than 2 meetings per year shall be held. The commission shall organize in **October of each year**

by electing one of its members as chairman but in his absence any other member of the commission shall be elected to act as chairman. The commission shall also **at the same time** elect a secretary who need not be chosen from among the members of the commission. Four members of the commission shall constitute a quorum.'

Sec. 2. R. S., c. 72, §§ 1-A — 1-D, additional. Chapter 72 of the revised statutes, as amended, is hereby further amended by adding thereto 4 new sections to be numbered 1-A to 1-D, inclusive, to read as follows:

'**Sec. 1-A. Standards of classification.** The commission shall have 4 standards for the classification of surface waters and tidal flats.

Class A shall be the highest classification and shall be of such quality that it can be used for bathing and for public water supplies after disinfection, and the dissolved oxygen content of such waters shall not be less than 75% saturation and contain not more than 100 coliform bacteria per 100 milliliters.

There shall be no discharge of sewage or other wastes into waters of this classification and no deposits of such material on the banks of such waters in such a manner that transfer of the material into the waters is likely. Such waters may be used for log-driving or other commercial purposes which will not lower its classification.

Class B shall be the second highest classification and shall have no objectionable characteristics and the dissolved oxygen content of such waters shall not be less than 75% saturation and contain not more than 300 coliform bacteria per 100 milliliters.

There shall be no disposal of sewage into such waters except from an approved sewage treatment plant with disinfected effluent, and no disposal of other wastes except those that will not lower the classification of the water nor be injurious to aquatic life or render such dangerous for human consumption if commonly so used. Waters of this class shall be considered acceptable for recreational purposes, and, after adequate treatment, for use as a public water supply.

Class C waters, the third highest classification shall be free from scums, slicks, odors, and objectionable floating solids, and shall be free from chemicals and other conditions inimical to fish life, and the dissolved oxygen content of such waters shall not be less than 5 parts per million. During a period of temporary reduction in the dissolved oxygen content in this class water, due to abnormal conditions of temperature stream flow, the

commission shall take no action to reduce the amount of pollution from any source which is allowed in such class water under normal conditions.

Class D waters, the lowest classification, shall be considered as primarily devoted to the transportation of sewage and industrial wastes without the creation of a nuisance condition and such waters shall contain dissolved oxygen at all times. During a period of temporary reduction in the dissolved oxygen content in this class water, due to abnormal conditions of temperature stream flow, the commission shall take no action to reduce the amount of pollution from any source which is allowed in such class water under normal conditions.

Sec. 1-B. Classification procedure. The commission having made its studies and investigations of a given drainage area or portion thereof, shall call public hearings in the area, or reasonably adjacent thereto, for the purpose of presenting to all interested people the proposed classification for the particular body of surface waters or tidal flats. Such meeting shall be preceded by public notice of the meeting in a newspaper of state-wide distribution, said notice to appear 3 times within 30 days preceding the meeting and the last publication to be at least 10 days prior to the hearing, and giving the time, place and purpose of the hearing. At least 2 members of the commission shall attend each such hearing.

Following the hearing, within a reasonable time, the commission shall give public notice of the proposed classification arrived at after considering the results of the hearing.

The commission shall submit as legislative proposals to each legislature its proposed and recommended classification or reclassification of the various specific surface waters and tidal flats concerning which hearings have been held.

Sec. 1-C. Enforcement. After adoption of a given classification for any surface waters or tidal flats, or section thereof, the commission shall enforce such classification by appropriate action in the courts of the state, and it shall be unlawful for any person or persons, to dispose of any sewage, industrial or other waste, either alone or in conjunction with any other person or persons, in such a manner as will lower the quality of the said waters, or section thereof, below the minimum requirements of the adopted classification.

If, after adoption of a classification of any surface water or tidal flat or section thereof, it is found that there is a source or sources of pollution, which lowers the quality of the waters in question below the minimum re-

quirements of the classification so established, the person, or persons responsible for the discharging of such pollution shall upon orders of the commission be required to abate such pollution.

Sec. 1-D. Penalties. Any person who shall violate any of the provisions of the 3 preceding sections or who shall fail, neglect or refuse to obey any order of the commission lawfully issued pursuant hereto, shall be punished by a fine of not less than \$5, nor more than \$100, for each day of such violation, failure, neglect, or refusal after the expiration of any time limit set by the commission.'