

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. 1317

H. P. 1173

House of Representatives, March 10, 1953

Referred to the Committee on Natural Resources, sent up for concurrence and 1500 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Moulton of Sweden

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Interstate Water Pollution Control.

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 chapter 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, Rhode Island and New York, to be known as the New England Interstate Water Pollution Control Compact, heretofore adopted by the states of New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island and New York and approved by act of congress of the United States July 25, 1947, and to execute any supplementary agreements with the states now parties, or which hereafter may become parties, to such compact and the operation thereof.

When the governor, on behalf of the state, executes such compact or any agreement supplementary thereto, he shall affix his signature thereto under a recital that the compact or agreement is executed pursuant to the provisions thereof, subject to the limitations and qualifications contained in this chapter.

Sec. 2. Form and contents of compact. The form and contents of such compact are as follows and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this chapter:

New England Interstate Water Pollution Control Compact

Whereas, the growth of population and the development of the territory of the New England states has resulted in serious pollution of certain interstate streams, ponds and lakes, and of tidal waters ebbing and flowing past the boundaries of 2 or more states; and

Whereas, such pollution constitutes a menace to the health, welfare and economic prosperity of the people living in such area; and

Whereas, the abatement of existing pollution and the control of future pollution in the interstate waters of the New England area are of prime importance to the people and can best be accomplished through the cooperation of the New England states in the establishment of an interstate agency to work with the states in the field of pollution abatement;

Now, therefore, the states of New Hampshire, Vermont, Connecticut, Rhode Island and the Commonwealth of Massachusetts (the state of Maine when authorized) are now bound and do agree as follows:

ARTICLE I

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 a tributary contiguous to 2 or more signatory states or flowing through 2 or more signatory states, and also shall apply to tidal waters ebbing and flowing past the boundaries of 2 states.

ARTICLE II

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.

ARTICLE III

The commission shall consist of 5 commissioners from each signatory 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 each state there shall be on the commission a member representing the state health department, a member representing the state water pollution control board (if such exists), and, except where a state in its enabling legislation decides that the best interests of the state will be otherwise served, a member representing municipal interests, a member representing industrial interests, and a member representing an agency acting for fisheries or conservation.

ARTICLE IV

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 may 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. 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 subdivision thereof or 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 signatory 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, administrative, travelling or other expenses prior to the allotment of funds by the signatory states adequate

to meet the same; nor shall the commission pledge the credit of any of the signatory states. Each signatory state reserves the right to provide hereafter by law for the examination and audit of the accounts of the commission. 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. The secretary shall be custodian of the records of the commission with authority to attest to and certify such records or copies thereof.

ARTICLE V

It is recognized, owing 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 no single standard of quality of receiving waters is practical and that the degree of treatment of sewage and industrial wastes should take into account the 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 reasonable physical, chemical and bacteriological standards of water quality satisfactory for various classifications of use. It is agreed that each of the signatory states through appropriate agencies will prepare a classification of its interstate waters in entirety or by portions 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 2 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. The commission may from time to time make such changes in definitions of classifications and in standards as may be required by changed conditions or as may be necessary for uniformity.

ARTICLE VI

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 Article I, and to put and maintain the

waters thereof in a satisfactory condition consistent with the highest classified use of each body of water.

ARTICLE VII

Nothing in this compact shall be construed to repeal or prevent the enactment of any legislation or prevent the enforcement of any requirement by any signatory state imposing any additional condition or restriction to further lessen the pollution of waters within its jurisdiction. 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 its signatory states.

ARTICLE VIII

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

ARTICLE IX

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.

ARTICLE X

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 areas.

Whenever the commission by majority 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).

ARTICLE XI

This compact shall become effective immediately upon the adoption of the compact by any 2 contiguous states of New England but only in so far as applies to those states and upon approval of Federal law. Thereafter upon ratification by other contiguous states, it shall also become effective as to those states.

Sec. 3. Appropriations. The state agrees to appropriate from the general fund and contribute to the commission such annual amount as may be required for its several purposes under the terms of such compact, not in excess of \$1,000, which limitation is imposed by the state as a condition under which it shall become a party thereto. The state, as a further condition under which it shall become a party to the compact, reserves the right to withdraw therefrom at any time upon 60 days' notice to the chairman of the commission.

The governor shall determine if and when it shall be for the best interests of the state to withdraw from such compact. In the event the governor shall determine that the state should withdraw from such compact, he shall have full power and authority to give the notice as required herein and to take any and all steps necessary and proper to effect the withdrawal of the state from the compact.

Sec. 4. Effective date of compact. This compact, when executed by the governor as prescribed by section 1 of this chapter, shall be deemed to be fully adopted and shall thereupon become binding upon the state of Maine as between it and the several other signatory states agreeably to the true tenor and extent thereof. Such compact, supplementary agreements and notices of withdrawal shall be filed in the office of the secretary of state, of the state of Maine.

Sec. 5. Appointment of commissioners. There shall be 5 members hereinafter in this chapter called commissioners of the New England Interstate Water Pollution Control Commission from the state of Maine. One commissioner shall be the commissioner of the department of health and welfare, one the commissioner of the department of inland fisheries and game, and one the commissioner of the department of sea and shore fisheries. The term of any such 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 of the state, 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 Article X of said compact; otherwise they shall begin upon the date upon which said compact shall become effective in accordance with said Article X.

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

Sec. 6. Compensation. The commissioners shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties.'