

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1451**

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S. P. 538

In Senate, April 15, 1953

Reported by Senator Butler of Franklin from the Committee on Natural Resources and ordered printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-THREE

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

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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R. S., c. 72, § 1, amended.** The 2nd and 3rd and 5th paragraphs of section 1 of chapter 72 of the revised statutes, as repealed and replaced by chapter 383 of the public laws of 1951, are hereby amended to read as follows: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.'

'It shall be the duty of the commission to study, investigate, and from time to time recommend to the persons responsible for the conditions, ways and means, so far as practicable and consistent with the public interest, of controlling the pollution of the rivers, waters and coastal flats of the state by the deposit therein or thereon of municipal sewage, industrial waste and other substances and materials insofar as the same are detrimental to the public health or to animal, fish or aquatic life, or to the practicable and beneficial use of said rivers, waters and coastal flats. ~~The commission may in its discretion from time to time make recommendations to the legislature with respect to the classification of the rivers, waters and coastal flats and parts thereof within the state, based, upon reasonable standards of quality and use which shall be consistent with the provisions of this chapter.~~ The commission shall make recommendations to each subsequent legislature with respect to the classification of the rivers, waters and coastal flats and sections thereof within the state, based upon reasonable standards of quality and use.'

**Sec. 2. R. S., c. 72, §§ 1-A - 1-E, additional.** Chapter 72 of the revised statutes, as amended, is hereby further amended by adding thereto 5 new sections to be numbered 1-A to 1-E, 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 water 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.

Class B shall be the second highest classification 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 a sewage treatment plant with disinfected effluent, and no disposal of other

wastes except those that will not lower the classification of the water or 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 or 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 or 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 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. Such legislative proposals shall be accompanied by information relative to action necessary to raise the said classification.

**Sec. 1-C. Enforcement.** After adoption of any classification, by the legislature, for surface waters or tidal flats, or sections thereof, it shall be unlawful for any person, corporation, municipality or other legal entity to dispose of any sewage, industrial or other waste, either alone or in conjunction with another or others, in such manner as will lower the quality of the said waters, tidal flats, or section thereof, below the minimum requirements of such classification, and notwithstanding any licenses which may have been granted or issued under sections 3, 4 and 5 hereof.

The commission shall enforce the provisions of this section by appropriate orders, and in the event such orders are not complied with within such time as the commission shall stipulate, appropriate legal action shall be instituted by the commission to enforce compliance or to punish violators. Provided, however, that any persons, corporation, municipality or other legal entity aggrieved by any such order of the commission shall have the right of appeal in similar manner as is provided for appeals under the provisions of section 5 hereof. On such evidence as may be pertinent to the issues, and on the basis of such evidence and the provisions of this chapter the court shall enter its findings and issue its decree sustaining, reversing or modifying such order of the commission.

**Sec. 1-D. Forms filed.** Municipalities shall file, not more than once annually, with the commission information relative to the present method of sewage collection and disposal in such municipality, on forms prepared and supplied by the commission within 30 days after receipt of said forms.

**Sec. 1-E. Penalties.** Any person, corporation or other legal entity who shall violate any of the provisions of the 4 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 \$25, nor more than \$200, for each day of such violation, failure, neglect or refusal after the expiration of any time limit set by the commission.'

**Sec. 3. R. S., c. 72, § 3, amended.** Section 3 of chapter 72 of the revised statutes, as enacted by section 2 of chapter 345 of the public laws of 1945, as amended, is hereby further amended to read as follows:

**'Sec. 3. Pollution restricted.** No person, firm, corporation or municipality or agency thereof 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 or any sewage so as to constitute a new source of pollution to said waters without first obtaining a license therefor from the water improvement commission; 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. R. S., c. 72, § 6, amended.** The 1st and 2nd paragraphs of section 6 of chapter 72 of the revised statutes, as enacted by section 3 of chapter 266 of the public laws of 1947, and as amended, are hereby amended to read as follows:

'No person, corporation or other party shall place or deposit ~~in a manner and an extent inconsistent with the public interest~~ in the inland waters or tidal waters of this state, or on the banks thereof so 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 so pollute said waters. The water improvement commission ~~may~~ shall make surveys concerning pollution of said waters. Whenever said commission finds ~~a condition which, in its opinion, is in violation of this section~~ ~~conditions inconsistent with 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~~ shall 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~~ shall impose limitations on the nature and extent of deposit in said waters consistent with the public interest. Any person, **corporation or other party** 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. John river, excepting all tributaries of the aforesaid rivers. Whoever violates any provision of this section shall pay a fine of not less than ~~\$5~~ **\$25**, nor more than ~~\$100~~ **\$200**, and costs, for each offense.'

**Sec. 5. R. S., c. 72, § 11, amended.** Section 11 of chapter 72 of the revised statutes, as enacted by chapter 158 of the public laws of 1947, is hereby amended to read as follows:

'**Sec. 11. Penalty.** Whoever violates the provisions of section 9 shall be punished by a fine of not less than ~~\$100~~, ~~or by imprisonment for not~~

~~more than 6 months, or by both such fine and imprisonment \$25, nor more than \$200, and costs for each offense.'~~

**Sec. 6. Appropriation.** To carry out the provisions of chapter 72 of the revised statutes, as amended, and the provisions of this act, funds shall be made available from the general fund in the amount of \$27,293 for the fiscal year 1953-54 and \$28,559 for the fiscal year 1954-55.