

# MAINE STATE LEGISLATURE

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# NINETY-SEVENTH LEGISLATURE

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## Legislative Document

No. 1279

H. P. 1096

House of Representatives, March 10, 1955.

Referred to Committee on Natural Resources. Sent up for concurrence and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Bernier by request.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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### AN ACT Creating a Maine Rivers Authority.

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

**Sec. 1. R. S., c. 78-A, additional.** The revised statutes are hereby amended by adding thereto a new chapter to be numbered 78-A, to read as follows:

#### CHAPTER 78-A.

#### MAINE RIVERS AUTHORITY.

**Sec. 1. Purpose.** The Maine Rivers Authority shall be a body both corporate and politic in the State of Maine for the purpose of restoring, maintaining and increasing the economic value of Maine's inland waters, consistent with established rights, constitutional authority and public policy of the State.

**Sec. 2. Definitions.** The following words and terms shall have the following meanings:

The word "Authority" shall mean the Maine Rivers Authority.

The word "owner" shall include all individuals, copartnerships, associations or corporations having any title or interest in any property, rights, easements or franchises authorized to be acquired by this chapter.

**Sec. 3. Jurisdiction.** The Authority shall have jurisdiction over the entire drainage system of the State of Maine, viz., all of its lakes, ponds, streams, brooks and rivers.

**Sec. 4. Powers and duties.** The said Authority, for the purposes of its incorporation, is hereby authorized to take and hold as for public uses, by purchase

or otherwise, including by right of eminent domain, any lands or interests therein, necessary for erecting and maintaining processing plants and all physical installations for its corporate purposes, including the restoring and preserving the purity of the water of the State, in accordance with its classifications hereinafter defined, and for laying and maintaining aqueducts and other structures, provided, however, nothing herein contained shall be construed as authorizing said Authority to take by right of eminent domain any of the properties or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty unless expressly authorized herein or by subsequent act of the Legislature.

The Authority is hereby authorized to lay in and through the streets, roads, highways and bridges, in any city or town in Maine, across private lands therein and to maintain, repair and replace all such pipes, aqueducts and fixtures that may be necessary and convenient for its corporate purposes, and whenever said district shall lay any pipes or aqueducts in any street, road, way or highway, it shall cause the same to be done with as little obstruction as practicable to the public travel, and shall, at its own expense without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition. It shall also be authorized to lease land for such purposes, whenever it shall see fit to do so, or whenever the use is to be temporary or it is economically advisable so to do.

Said Authority is hereby authorized for the purposes of its incorporation to erect and maintain plants and plant facilities for the processing of industrial wastes, the construction and laying of interceptor pipes and other aqueducts and pipes for the discharge or processing of sewage and industrial wastes, and to construct, maintain and operate lagoons for the control of industrial wastes.

Sec. 5. Eminent domain. Whenever a reasonable price cannot be agreed upon for the purchase or lease of real property found necessary for the purposes of the Authority or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown, the Authority is hereby authorized and empowered to acquire by condemnation any such real property whether wholly or partly constructed or interest or interests therein and any lands, rights, easements, franchises and other property deemed necessary or convenient for the construction or the efficient operation of any of the installations and construction of the said Authority. In such event, the Authority shall cause the land to be taken, to be surveyed and described, and a plan thereof and said description to be recorded in the Registry of Deeds for the county or registry district where the same is located, and notice thereof shall be given in some newspaper published wholly or in part in said county; or, if no such newspaper exists, then in a newspaper of state-wide circulation. The county commissioners of the county wherein such property or land is located shall constitute a board of appraisers which shall, on petition of the Authority or interested parties, meet and ascertain and determine the value of the property or land to be taken, make a correct return of their doings, signed by them, accompanied by an accurate plan of the land, and state in their return the names of the persons to whom damages are allowed, and the amount allowed to each. The county commissioners shall give reasonable notice to interested parties of the time and place of their meeting and afford interested parties an opportunity

to be heard. Their return shall be filed with the clerk of the county commissioners and remain in the custody of their clerk for inspection. Any interested party aggrieved by their determination of damages may appeal from their determination to the Superior Court of the county at the next regular term of said court following the date of filing of their return with their said clerk. If no such appeal is made, the proceedings shall be closed, and become effectual; all claims for damages not allowed by them be forever barred; and all damages allowed by them be final. If an appeal be taken at the time and in the manner provided herein, the court shall determine the damages by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the damages recovered, and judgment for costs in favor of the party entitled thereto. The appellant shall file notice of his appeal with the county commissioners within the time above limited, and at the first term of court shall file a complaint setting forth substantially the facts, upon which the case shall be tried like other cases. The party prevailing recovers costs to be allowed and taxed by the court, except that they shall not be recovered by the party claiming damages, but by the other party, if on such appeal by either party, said claimant fails to recover a greater sum as damages than was allowed to him by the county commissioners. The committee of reference shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts. From the action of the court or on exception, or from any judgment after a jury trial, an appeal may be taken by any party to the supreme judicial court.

Title to any property condemned by the Authority shall be taken in the name of the Authority. The Authority shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings and shall in any event pay for the same except from the sums provided by this chapter; and in any condemnation proceedings, the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the Authority and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against loss or damage by reason of the failure of the Authority to accept and pay for the property; but such undertaking or security shall impose no liability upon the State of Maine except such as may be paid from the funds provided under the provisions of this chapter.

The Authority and its authorized agents and employees may enter upon any lands, waters and premises in the State of Maine for the purpose of making surveys, soundings, drillings and examinations as it may deem necessary or convenient for the purpose of this chapter and such entry shall not be deemed a trespass.

All counties, cities, towns and other political subdivisions or municipalities and all public agencies and commissions of the State of Maine, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the Authority upon its request upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions or other municipalities may deem reasonable and fair and without the

necessity for any advertisement, order of court or other action or formality other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Authority including real property already devoted to public use.

If reasonable and fair conditions for the acquisition of property or rights as provided in the preceding paragraph cannot be agreed upon the property may be taken under condemnation proceedings in the same manner as provided in the first paragraph of this section.

Whenever the Authority decides to acquire any lands, rights, easements and franchises or interests therein by condemnation as hereinbefore provided and has tendered a bond or other security in sufficient sum to secure the owner or owners for damages and the same has been accepted or if the acceptance has been refused and the same has been filed and approved by the court having jurisdiction over such condemnation proceedings, the Authority shall have the right to immediate possession of the property which is the subject matter of the condemnation proceedings and may enter thereon in the name of the Authority.

Sec. 6. Procedure in crossing of railroads or utility rights of way. In case of any crossing of a railroad, or the right of way occupied by the transmission or distribution lines of an electric company, unless consent is given by the company owning or operating such railroad or transmission line, as to place, manner and conditions of the crossing, within 30 days after such consent is requested by such district, the Public Utilities Commission shall, upon petition setting forth a description of said premises and the reasons for said crossing after notice given as said Commission may prescribe, determine the place, manner and conditions of such crossing; and all work within the limits of such railroad location or right of way shall be done under the supervision and to the satisfaction of such railroad company or electric company as the case may be, but at the expense of the Maine Rivers Authority unless otherwise ordered by said Public Utilities Commission, which shall award to said railroad or electric company, as the case may be, any damage suffered by it occasioned by said crossing.

Sec. 7. Authority, created. The affairs of said Authority shall be managed by a board of 3 directors who shall be residents of the State of Maine at the time of their appointment and qualification and shall have been qualified electors for, at least, one year next preceding their appointment, and they shall not have been registered legislative agents in the Maine Legislature for, at least, 10 years next preceding their appointment. Two members of the Board of Directors shall be appointed by the Governor, one from each major political party, and one to be designated as chairman of said board, each for a term of 4 years and 6 years respectfully from the date of the appointment, and until their respective successors shall be duly appointed and qualified, the term of each appointed member to be designated by the Governor at the time of his appointment. Their successors shall each be appointed for a term of 4 years, except that any person appointed to fill a vacancy shall only serve for the unexpired term, and any member of the Authority shall be eligible for reappointment. The third member shall be elected by the legally registered voters of the State of Maine and shall hold office for a term of 4 years or until his successor shall be duly appointed and qualified to serve only for the unexpired term, should that be necessary. The Authority shall

elect a secretary and treasurer who need not be a member of the Authority. Two members of the Authority shall constitute a quorum, and for all purposes, two directors must act unanimously. No vacancy in the Authority shall impair the rights of a quorum of the members to exercise all the rights and perform all the duties of the Authority. Before the issuance of any revenue bonds under the provisions of this chapter, each appointed director of the Authority shall execute a bond in the penalty of \$25,000 and the secretary and treasurer shall execute a bond in the penalty of \$50,000. Each such bond to be approved by the Attorney General and to be conditioned upon the faithful performance of the duties of his office, which bonds shall be filed in the office of the State Auditor. Each member of the Authority shall be reimbursed for necessary expenses incurred in the performance of his duties. All expenses incurred in carrying out the provisions of this chapter shall be paid solely from funds provided under the provisions of this chapter and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the provisions of this chapter. The chairman of said Board of Directors shall serve at an annual salary of \$12,000; the other 2 members at an annual salary of \$10,000.

Sec. 8. Authorized to make contract. Said Authority, through its directors, is authorized to contract with any person or persons, corporations or any other legal entity upon any and every subject whatever in pursuance of the purposes of this chapter. The Authority is also authorized to contract with any governmental agency, State or Federal, or any other political subdivision.

Sec. 9. Exempt from taxes; no liens. The property of said Authority shall be exempt from all taxes, state, county or municipal, and all property held by the Authority in the name of the State of Maine pursuant to the provisions hereof shall be exempt from levy and sale by virtue of any execution, and no execution or other judicial process shall be a lien upon its property held pursuant to the provisions hereof.

Sec. 10. Issuance of bonds. The Authority is hereby authorized to provide by resolution from time to time for the issuance of bonds for the purpose of paying the cost of all plants, physical installations and constructions for the purpose of controlling, modifying or eradicating pollution, and all accessories and equipment in connection thereof. The bonds of the Authority shall not constitute a debt of the State or of any agency or political subdivision thereof but shall be payable solely from the revenue of the Maine Rivers Authority. Any provision of any law to the contrary notwithstanding any bonds issued pursuant to this chapter shall be fully negotiable. In case any of the directors of the Authority whose signatures appear on the bonds or coupons shall cease to be such members before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes; the same as if such members had remained in office until such delivery. The Authority may in the resolution authorizing prospective issues provide as to such bonds:

- I. The manner of executing the bonds and coupons;
- II. The form and denomination thereof;
- III. Maturity dates not more than 50 years from the date or dates of issuance;
- IV. The interest rates thereon;

- V. For redemption prior to maturity and the premium payable therefore;
- VI. The place or places for the payment of interest and principal;
- VII. For registration if the Authority deems such to be desirable;
- VIII. For the pledge of all or any of the revenue for securing payment;
- IX. For the replacement of lost, destroyed or mutilated bonds;
- X. The setting aside of reserve and sinking funds and the regulation and disposition thereof;
- XI. For limitation on the issuance of additional bonds;
- XII. For the procedure, if any, by which the contract with the bond holder may be abrogated or amended;
- XIII. For the manner of sale and purchase thereof;
- XIV. For covenants against pledging of any of the revenue of the Authority;
- XV. For covenants fixing and establishing such prices, rates and charges for the use and services of all treatment plants and other physical installations for the modifying or removal of pollution, including lagoons, and other services made available in connection with said Maine Rivers Authority so as to provide at all times funds which will be sufficient;
  - A. To pay all costs of operation and maintenance of said treatment plants, physical equipment and lagoons, together with the necessary repairs thereto;
  - B. To meet and pay the principal and interest of all of such bonds as they severally become due and payable;
  - C. For the creating of such revenues for the principal and interest of all such bonds and for the meeting of contingencies and the operation and maintenance of said treatment plants, physical installations and lagoons as the Authority shall determine;
- XVI. For such other covenants as to such prices, rates and charges as the Authority shall determine;
- XVII. For covenants as to the rights, liability, powers and duties arising upon the breach by the Authority of any covenant, condition or obligation;
- XVIII. For covenants as to the bonds to be issued and as to the issuance of said bonds in escrow and otherwise and as to the use and disposition of the proceeds thereof;
- XIX. For covenants as to the use of its property and the maintenance and replacement thereof and the insurance to be carried thereon and the use and disposition of insurance money;
- XX. For limitations upon the exercise of the powers conferred upon the Authority by this chapter;
- XXI. For the issuance of such bonds in series thereof;

**XXII.** The performance by the Authority of any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds or in the absolute discretion of the Authority as will tend to make the bonds more marketable notwithstanding that such acts or things may not be enumerated herein; and

**XXIII.** To issue bonds upon the terms and conditions hereinbefore in this section set forth to effectuate the principal purposes of this chapter.

**Sec. 11.** Application of proceeds of bonds. All moneys received from any bonds issued pursuant to this chapter shall be applied solely to the payment of the cost of the physical installations constructed to effectuate the main purpose of this chapter, or to the appurtenant fund; and there shall be and hereby is created and granted a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect of such bonds.

**Sec. 12.** Bonds; how secured. In the discretion of the Authority, such bonds may be secured by a trust indenture by and between the Authority and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the State of Maine. Such trust indenture may pledge or assign tolls or revenue to be received but shall not convey or mortgage any of the physical installations of the Authority. Either the resolution providing for the issuance of such bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of properties and the construction, maintenance, operation, repair and insurance of its physical installations and equipment, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of this State to act as depositories of the proceeds of the bonds or revenues and to furnish such indemnity bonds or to pledge such securities as may be required by the Authority. Such indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing such trust indenture may contain such other provisions as the Authority may deem reasonable and proper for the security of bondholders. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation and repair of the physical installations of the Authority.

**Sec. 13.** Refunding bonds. The Authority is hereby authorized to provide by resolution for the issuance of Maine Rivers Authority revenue refunding bonds for the purpose of refunding any Authority revenue bonds issued under the provisions of this chapter and then outstanding. The issuance of such revenue refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of the State of Maine and of the Authority in respect to the same shall be governed by the foregoing provisions of this chapter insofar as the same may be applicable and by the following provisions:

**I.** No Maine Rivers Authority revenue refunding bonds shall be delivered unless delivered in exchange for Authority revenue bonds to be refunded



thereby, except in the amount necessary to provide for the payment of matured or redeemable Authority revenue bonds or Authority revenue bonds maturing or redeemable within 3 months, including any redemption premium thereon.

II. No Authority revenue refunding bonds shall be issued, unless issued to refund original revenue bonds which have matured or will mature within 3 months, or unless the interest rate of the Authority revenue refunding bonds shall be at least  $\frac{1}{4}$  of 1 per cent less than the interest rate borne by the Authority revenue bonds to be refunded.

Sec. 14. Provisions in case of default of bonds. In the event that the Authority shall make default in the payment of principal or interest on any of the bonds after the same shall fall due and such default shall continue for a period of 60 days or default in any agreement with the bondholders or the trustee under a trust indenture, the holders of 25% in aggregate principal amounts of the bonds then outstanding by instrument filed in the office of the Secretary of State duly acknowledged may appoint a trustee to represent the bondholders for the purpose herein provided, except to the extent the rights herein given may be restricted by the resolution passed before the issuance of the bonds or by the trust indenture. Such trustee may upon the written request of the holders of 25% in principal amount of the bonds then outstanding:

I. By mandamus or other suit, action or proceeding at law or in equity enforce the rights of the bondholders;

II. Bring suit upon the bonds;

III. Enjoin any acts or other things which may be unlawful or in violation of the rights of the bondholders; and

IV. By action or suit in equity require the Authority to account as if it were trustee of an expressed trust for the bondholders. Such trustee shall be entitled as a right to the appointment of a receiver who may to the extent that the Authority could itself enter and take possession of the facilities of the Authority or any part thereof, the revenue or receipts from which are or may be applicable to the payment of the bonds so in default, and operate and maintain the same and collect and receive all revenue thereafter arising therefrom in the same manner as the Authority might do, and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustee, the fees, counsel fees and expenses of the trustee and the receiver, if any; and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the Authority, the revenues and receipts from which are or may be applicable to the payment of the bonds so in default. Such trustees shall in addition to the foregoing have and possess all the powers necessary and appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights. In addition to other rights and limitations, any bondholder shall have the right by mandamus or other suit, action or proceeding in law or in equity to enforce his rights against the Authority including the right to require the Authority to carry out any agreement or covenant and to perform its duties under this chapter.

Sec. 15. Interim certificates. Prior to the issuance of the bonds hereunder, the Authority may issue interim certificates in such manner and with such conditions as the Authority may determine to be exchanged for such bonds when issued.

Sec. 16. Trust funds. Subject to any agreement with the bondholders, all revenue received from the operation of the physical facilities of the Maine Rivers Authority, in accordance with the provision thereof, shall be held and invested and plants and operation and maintenance of the same and the sums necessary to provide for the payment of the principal and the interest on the bonds of the Authority, in accordance with the provisions thereof, shall be held and invested by the Authority to establish trust funds for reserve and sinking funds for the retirement of bonded indebtedness.

Sec. 17. Application. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 18. Governmental function. It is hereby declared that the purposes of this chapter are public and that the Authority shall be regarded as performing a governmental function in the carrying out of the provisions of this chapter.

Sec. 19. Powers. The Authority is empowered and authorized to construct and maintain processing plants, lagoons or other physical facilities to control, reduce or eliminate pollution so as to maintain or restore supporting aquatic life and natural fish life and to improve the quality of the waters to increase their usefulness and protect the public health. All interested parties and all persons to be affected shall be given an opportunity to be heard at a public hearing as provided in section 22, and the Authority shall adopt, in each case, that plan which is most economical to the polluter.

Sec. 20. Pollution treated. No person, firm, association, or corporation shall increase in any amount pollution effluent discharged into any river, stream, or other watercourse in this State or add a new source of pollution thereto, or increase materially the pollution load through existing facilities, without first treating, processing, or controlling the discharge thereof in accordance with the requirements and specifications of this Authority duly petitioned therefore, which specifications must be based upon sound engineering data supplied by competent engineers. If engineering data indicates that there is no practical and reasonable method of treating existing, new, or added pollution, within the bounds of economic feasibility, then as to such polluters, the provisions of this chapter will not apply.

Sec. 21. Notice; choice of procedure. After obtaining sufficient data from competent engineers concerning the pollution effluent discharged into any watercourse in Maine by any person, firm, corporation, municipality or a group of them, the Authority shall notify each polluter in writing, by registered mail, return receipt requested, as to the need to either abate, reduce, or treat said pollution and a copy of the engineering data upon which the directive is based. Said notice shall be addressed to the owner of the land upon which stands the physical facilities from which the pollution emanates, and in the case of a cor-

poration, domestic, foreign or municipal, said notice shall be effective if sent to the clerk thereof. Within 60 days after receipt of said notice, said person, firm, corporation, municipality or a group affected shall in writing communicate their respective election to the Authority to proceed under either subsection I or II of this section:

I. Any such person, firm, corporation, municipality or a group of them, may construct their own physical facilities for the abatement, reduction or treatment of their pollution as directed in the notice of the Authority. For this purpose, they may borrow sufficient funds from the Authority for the construction of the required physical facilities, plans for which shall be submitted in advance to the Authority for approval, upon giving adequate security. A borrower or borrowers shall also provide a surety bond, conditioned upon the operation and maintenance of said physical facilities in accordance with the purposes and objectives of this chapter. Each borrower shall pay an annual interest of 3% of that percentage of the total loan, as each polluter's share, expressed in percentages, bears to the total pollution load treated, abated or reduced, for a period of 50 years, whereupon the Authority shall surrender the security given aforesaid, but the bond shall be renewed upon the same conditions. The State of Maine, through its Treasurer of State, hereby duly authorized and directed, shall pay to the Authority 3% of the total cost of each such project for a period of 50 years as the public share of the cost thereof, from the general fund.

II. Should any person, firm, corporation, municipality or a group of them, after receiving written notice, as herein provided, fail to communicate their respective election within 60 days thereafter, or should any or all elect to proceed under this subsection, the Authority shall then proceed to construct such physical facilities as may be required, and each person, firm, corporation or municipality contributing to the pollution thus treated shall pay an annual rental for the use of such facilities of 3% of that percentage of the total cost as each polluter's share, expressed in percentages, bears to the total pollution load treated, reduced or abated, plus the cost of operation and maintenance, less net revenue from recoveries from by-products or otherwise. Such annual-rental fees shall constitute a lawful lien on the realty of the person, firm or corporation thus served, until 50 annual rental payments have been made. The State of Maine, through its Treasurer of State hereby duly authorized and directed, shall pay to the Authority 3% of the total cost of each such project for a period of 50 years as the public share of the cost thereof from the general fund.

III. Should it be mutually agreed or should the Authority decide, after hearing, that a group project is required, joining two or more polluters in one project, and should less than the total number of a group agree to proceed under subsection either I or II hereof, then those proceeding under subsection II shall pay, in addition to the annual rental hereinbefore provided, their proportionate share of the cost of operation and maintenance, less their respective shares of the net revenue from recoveries from by-products or otherwise, which sums shall be credited to the account of the remainder proceeding under subsection I.

Sec. 22. Petitions; appeals. Petitions may be addressed to the Authority upon any subject within its jurisdiction and hearings thereon shall be public, and a record of the proceedings thereon shall be made, transcribed and kept in a book of record always open to public inspection, and public notice shall be given, at least 10 days prior to time of hearing by publication in, at least, 2 newspapers of state-wide circulation. All findings of fact by the Authority shall be written out in its decisions and shall be final unless manifestly wrong. All issues of law shall be appealable to the Superior Court in and for the county of Kennebec where pro-forma judgment or decree shall be entered during term time or by any Justice of the Superior Court during vacation and all such cases reported to the Law Court for final disposition. Hearings need not be held under strict rules of legal evidence, but all findings of fact must be based on legally admissible evidence only. The Authority shall have exclusive original jurisdiction of all complaints or actions in or concerning the subject of its jurisdiction and redress shall be sought in petition and public hearing as herein provided before any other legal action may be taken excepting injunctions sought in equity or by declaratory judgment. The directors shall hold pre-hearing conferences, with all interested parties represented, for the purpose of reducing all evidence that is merely corroborative and cumulative.

Sec. 23. Power to sue. The Authority shall have the right, power and authority to sue or prosecute in all the courts of this State, and violations of the provisions of this chapter shall be deemed to create an abatable nuisance.

Sec. 24. Rules and regulations; oaths; witnesses. The Authority shall have the power to make rules and regulations, not inconsistent with the intent and purposes of this chapter, or other laws of the State for the purpose of carrying out the provisions hereof. It may prescribe forms and make suitable orders as to procedure adapted to secure a speedy, efficient and inexpensive disposition of all proceedings hereunder. In interpreting this chapter, it shall be construed liberally with a view to carrying out its general purpose. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this chapter. The Authority may also provide blank forms for reports, agreements, petitions and other forms required. The directors may administer oaths and issue subpoenas for witnesses, and subpoenas duces tecum to compel the production of books, papers, photographs and data relating to any question in dispute before the Authority or in any other matter involved in a hearing. Witness fees and all proceedings under the provisions of this chapter shall be the same as for witnesses before the Superior Court. Deposition, in the manner and form otherwise provided for by law, may be used in all hearings under the provisions of this chapter.

Sec. 25. Time of action. Whenever the petition of any person, group or association seeks action of the Authority within its powers under this chapter, and within its jurisdiction, and a time limit for the taking of the action is requested in such petition, the Authority, upon the evidence presented at the hearing, shall, in its findings, state a specific time or date when the action petitioned for shall either be taken or completed.

Sec. 26. Definition of pollutant. For the purposes of this chapter, a pollutant shall be defined as any foreign substance of every description whatso-

ever, artificially introduced into any of the waters in the State of Maine. It shall be the policy of the Maine Rivers Authority to abate, eliminate or control all pollutants adversely affecting fish life and its supporting aquatic life, consistent with the legitimate and necessary economic interest of the industries affected.

Sec. 27. **Classifications.** The Maine Rivers Authority shall have the power to determine the need of the classification of our waters and to set up the classifications and the standards of each, if it is deemed expedient.

Sec. 28. **Annual report.** The Authority shall publish an annual report of its projects in construction, proposed projects, its finances and expenditures, and its recommendations for legislative consideration.

Sec. 29. **Federal funds.** The Authority, on behalf of the State of Maine, is authorized to apply for and receive funds made available under any Federal Act or by any agency of the Federal Government relating to the reduction and elimination of water pollution; such money shall be applied to the purposes of this chapter in such manner and under such conditions and directions as shall be required by the Federal Act, or agency of the Federal Government authorizing said grants. The Authority is also authorized to apply for loans, on behalf of the State of Maine, under Federal Acts, or of any agency of the Federal Government, for which it may qualify in the pursuance of the purposes of this chapter.

Sec. 30. **Agreements and compacts.** The Authority is further empowered to enter into agreements or compacts with the State of New Hampshire or Canada in respect to co-operative effort and mutual assistance for the prevention and abatement of water pollution, and the enforcement of their respective laws relating thereto. Provided only that such compacts or agreements shall not be in conflict with any law or treaty of the United States, all other Maine laws and regulations inconsistent herewith are hereby pronounced to be inapplicable and of no effect as to this chapter.'

Sec. 2. **Repeal and transfer of records.** Chapter 79 of the Revised Statutes is hereby repealed and all records of the Water Improvement Commission shall be transferred to the Maine Rivers Authority.