

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1331**

H. P. 1133

House of Representatives, March 16, 1955.

Referred to Committee on Natural Resources. Sent up for concurrence and 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Maxwell of Winthrop.

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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 Relating to Classification of Waters of the State and Abatement of  
Pollution Thereof.**

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

**Sec. 1. R. S., c. 79, § 1, amended.** The 5th paragraph of section 1 of chapter 79 of the revised statutes is hereby amended to read as follows:

'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 **and municipalities** of the State by the deposit therein or thereon of municipal sewage, industrial waste and other substances and materials in so far 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 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. 79, § 1-A, additional.** Chapter 79 of the revised statutes is hereby amended by adding thereto a new section to be numbered 1-A, to read as follows:

'**Sec. 1-A. Pollution defined.** "Pollution" shall be construed for the purposes of this chapter to mean noxious and deleterious substances rendering unclean the waters of the State to the extent of being harmful or inimical to the public health, or to animal or aquatic life, or to the use of such waters for do-

mestic water supply, or industrial purpose, or for recreation. The Commission shall establish standards whereby it can be reasonably ascertained whether any discharge does or does not constitute pollution as herein defined.'

**Sec. 3. R. S., c. 79, § 2, amended.** The 1st paragraph of section 2 of chapter 79 of the revised statutes is hereby amended to read as follows:

'The Commission shall have 4 standards for the classification of surface waters and tidal flats. The Commission shall use the same standards of classification of municipalities and industries, the effluent, discharge or waste from which may, directly or indirectly, mingle with or come in contact with the waters of the State. Samples used in such classification shall be taken at the point or points of contact.'

**Sec. 4. R. S., c. 79, § 3, amended.** The last paragraph of section 3 of chapter 79 of the revised statutes is hereby amended to read as follows:

'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 ~~and municipalities~~ concerning which hearings have been held. Such legislative proposals shall be accompanied by information relative to action necessary to raise the said classification.'

**Sec. 5. R. S., c. 79, § 4, amended.** The 1st paragraph of section 4 of chapter 79 of the revised statutes is hereby amended to read as follows:

'After adoption of any classification by the Legislature for surface waters ~~or~~, tidal flats ~~or municipalities~~ 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, ~~municipalities~~ or section thereof below the minimum requirements of such classification, and notwithstanding any licenses which may have been granted or issued under sections 8, 9 and 10.'

**Sec. 6. R. S., c. 79, § 4, amended.** Section 4 of chapter 79 of the revised statutes is hereby amended by adding after the 1st paragraph thereof, the following paragraphs, to read as follows:

'After verification of classification by the Legislature, the Commission shall cause an annual study to be made, in order to determine the financial condition of the municipalities of the State. The Commission is authorized and directed to order the municipalities to comply with the provisions of this chapter.

After verification of classification by the Legislature, the Commission shall direct each classified industry, after due consideration of the financial status of each industry and conditions peculiar to each industry, to discontinue its discharge of sewage, waste and other substances and materials, in so far as such discharge is detrimental to the public health, or to animal or fish life, as far as practical, within a specified length of time to be determined by the Commission. Such specified length of time shall be consistent with, but no longer than, the length of time given to a municipality within the same classification.'

**Sec. 7. R. S., c. 79, § 4-A, additional.** Chapter 79 of the revised statutes is hereby amended by adding thereto a new section to be numbered 4-A, to read as follows:

**'Sec. 4-A. Abatement by municipalities.** Any municipality which has been classified as Class C or Class D and which has a tax in dollars per capita as shown in Column 1 shall set aside the percentage of its total annual tax commitment as shown in Column 2 into a sinking fund to be used only toward the abatement of pollution; and beginning with the calendar year after verification of its classification, shall attain a classification of Class B within the number of years shown in Column 3.

Column 1	Column 2	Column 3
\$ 0 to \$35	8 $\frac{1}{3}\%$	6 years
\$36 to \$45	6 $\frac{1}{3}\%$	8 years
\$46 to \$55	5%	10 years
\$56 to \$65	4 $\frac{1}{6}\%$	12 years
\$66 and over	3 $\frac{1}{2}\%$	14 years

If any municipality can attain classification of Class B within the specified number of years without setting aside its percentage of the total annual tax commitment, it may do so with the approval of the Commission.

Plans by a municipality for any new system or treatment plant, or extension of any existing system or treatment plant, must be submitted to the Commission for approval before any land is acquired or construction commenced.'

**Sec. 8. R. S., c. 79, § 5, amended.** Section 5 of chapter 79 of the revised statutes is hereby amended by adding at the end thereof a new paragraph, to read as follows:

**'Upon written request by the Commission and within their specified length of time, but in no case to exceed 2 years, each municipality and industry shall furnish the Commission an outline or plan pertaining to the eventual abatement of their respective pollution problems.'**