

# MAINE STATE LEGISLATURE

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

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Legislative Document

No. 794

H. P. 561

House of Representatives, February 17, 1959

Referred to the Committee on Natural Resources, sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Saunders of Bethel.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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**AN ACT** Revising the Laws Relating to Water Improvement Commission.

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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 last sentence of the 3rd paragraph of section 1 of chapter 79 of the Revised Statutes, as amended by section 2 of chapter 425 of the public laws of 1955, is further amended to read as follows:

~~‘Six~~ **Five** members of the commission shall constitute a quorum.’

**Sec. 2. R. S., c. 79, § 2, amended.** Section 2 of chapter 79 of the Revised Statutes, as amended by section 5 of chapter 425 of the public laws of 1955, is further amended by adding at the end a new paragraph, to read as follows:

**‘With respect to “C” and “D” classifications, the number of coliform bacteria, or amounts of toxic wastes or chemicals discharged into said waters shall be only those amounts which will not, in the determination of the commission, be harmful to the public health.’**

**Sec. 3. R. S., c. 79, § 6, amended.** Section 6 of chapter 79 of the Revised Statutes, as amended by chapter 171 of the public laws of 1957, is further amended to read as follows:

**‘Sec. 6. Penalties.** Any person, corporation or other legal entity, who shall violate any of the provisions of the ~~4 preceding sections~~ **this chapter, except sections 11 and 14,** 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~~ **\$200** nor more than ~~\$200~~ **\$1,000** for each day of such violation, failure, neglect or refusal after the expiration of any time limit set by the commission. When an appeal is taken from any such order, no fine shall be imposed for that period of time during which said appeal is pending.’

**Sec. 4. R. S., c. 79, § 8, amended.** Section 8 of chapter 79 of the Revised Statutes is amended to read as follows:

**'Sec. 8. Pollution restricted.** No person, firm, corporation or municipality or agency thereof shall discharge into any stream, river, pond, lake or other body of water or watercourse or any tidal waters, **whether classified or unclassified**, 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~~ **no** application for a license shall be required hereunder for any manufacturing, processing or industrial plant or establishment, ~~now or heretofore~~ **prior to August 8, 1953**, for any such discharge at its present general location, such license being hereby granted.'

**Sec. 5. R. S., c. 79, § 9, repealed and replaced.** Section 9 of chapter 79 of the Revised Statutes is repealed and the following enacted in place thereof:

**'Sec. 9. Application for licenses.**

**I. Classified waters.** Applications for licenses for such discharge shall be in writing signed by the applicant and filed with the commission in such form as the commission may require. Said commission shall set a time and place for hearing on said application, which time shall be within 45 days from the date of the filing of the application, and shall give notice of the hearing by publication in a newspaper circulated in the area of the proposed discharge and in a newspaper having state-wide circulation and distribution in the said area once a week for 3 successive weeks, the last publication being at least 3 days prior to the date of hearing. The hearing shall be held by not less than 2 members of the commission, and evidence taken and received shall have the same force and effect as though taken and received by said commission and shall authorize action by the commission as though by it taken and received.

If after hearing the commission shall determine that such discharge will not increase the pollution of any stream, river, pond, lake or other body of water, or watercourse or tidal waters, so as to violate the prohibition of section 4 it shall issue such license to the applicant upon payment of the sum of \$50. The commission may make rules and regulations relating to the conduct of such hearings.

**II. Unclassified waters.** In the interim between the first day of September, 1959 and the classification by the Legislature of any 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 into any surface waters or tidal flats in excess of the maximum quantity, or of a different character, than that being discharged during the period of one year prior to the first day of September 1959, without first obtaining a license from the commission. Such permission shall not be withheld if such sewage or waste will not lower the quality of the water below the classification which the commission expects to recommend for adoption in accordance with the provisions of section 3. The form of application, notice of hearing and conduct of hearing shall be as set forth in subsection I.

**III. General.** Any license to so discharge granted by the commission may contain such terms or conditions with respect to the discharge as in the commission's determination will best achieve the standards set forth in section 2.

A full and complete record shall be kept of all proceedings had before the commission and all testimony shall be taken by a stenographer.'

**Sec. 6. R. S., c. 79, § 10, amended.** Section 10 of chapter 79 of the Revised Statutes is amended to read as follows:

**'Sec. 10. Appeals.** Any person aggrieved by any order or decision of said commission with respect to any application for license may, within 30 days after notice of the filing of such order or decision, appeal therefrom to any Justice of the Superior Court by presenting a copy of such order or decision, certified by the ~~clerk~~ **secretary** of said commission, to the clerk of courts for the County of Kennebec; ~~whereupon said court.~~ **The Justice** shall fix a time and place for hearing thereon and order such notice as to the ~~court~~ **justice** appears reasonable ~~at which hearing the applicant and any other interested persons shall submit evidence and the court.~~ **The commission shall submit to the justice the printed record of the hearing certified by the secretary of the commission. The justice shall enter ~~its~~ his findings and decree sustaining, reversing or modifying such order or decision of said commission in such manner and to such extent as the court determines not to be inconsistent with the public interest. The justice may request the person aggrieved or the commission to present additional evidence on such matters as he deems advisable.**

Such decree shall have the same effect and all proceedings in relationship thereto shall thereafter be the same as though rendered in a suit in equity duly heard and determined by said court, and appeal may be had therefrom in the same manner as in appeals in equity procedure and the law court may after consideration reverse or modify any decree so made. **When an appeal is taken from any such order, no fine shall be imposed for that period of time during which said appeal is pending'.**