

# MAINE STATE LEGISLATURE

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Legislative Document

No. 953

H. P. 662

House of Representatives, February 25, 1959

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Maxwell of Jay.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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AN ACT to Create a Water Pollution Abatement Program.

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**Preamble.** Conservation of natural resources being a necessary and proper function of government under State and Federal Constitutions; and

Recognizing a present need to restore more approximately to their former purity the waters of the State of Maine; and

Having due regard at the same time for the economic exigencies of industries long established on waterways to dispose of waste by rights created by usage and confirmed by statutory grandfather exemptions; and

Endeavoring to correct the legal and economic imbalance and historical inequities between established industry and growing recreational aspects of the state's over-all economy; and

Finding that a 10-year period is a reasonable length of time in which industry may meet new legal requirements established herein, without undue hardship; now, therefore,

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

**Sec. 1. R. S., c. 79, § 1, amended.** The next to the last paragraph of section 1 of chapter 79 of the Revised Statutes, as enacted by section 3 of chapter 425 of the public laws of 1955, is repealed and the following enacted in place thereof:

**'The commission shall classify the rivers, waters and coastal flats and sections thereof within the State, based upon reasonable standards of quality and use, and thereafter shall from time to time review its classifications and licenses issued**

under this chapter with respect to abatement of pollution of the rivers, waters and coastal flats and sections thereof within the State for the purpose of raising the classifications thereof to the highest possible classification so far as economically feasible; such review to include methods, costs and the setting of time limits for compliances.'

**Sec. 2. R. S., c. 79, § 3, amended.** The last paragraph of section 3 of chapter 79 of the Revised Statutes, as amended by section 6 of chapter 425 of the public laws of 1955, is hereby repealed, 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 concerning which hearings have been held.'~~

**Sec. 3. R. S., c. 79, § 3-A, additional.** Chapter 79 of the Revised Statutes is hereby amended by adding thereto a new section to be numbered 3-A, to read as follows:

**'Sec. 3-A. Ten-year program.** The commission, through its classifications, shall issue such orders as reasonably necessary to attain at least a C classification of the Androscoggin, Kennebec and Penobscot Rivers, and all other rivers unclassified or having a lower classification than C, in a period of 10 years from the effective date of this act. In the same period of time, all other rivers, waterways, lakes and streams shall be brought to a Class B-1 rating.'

**Sec. 4. R. S., c. 79, § 4, amended.** The first 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 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 classifications, and notwithstanding any licenses which may have been granted or issued under sections 8, 9 and 10.'~~

**Sec. 5. 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 by the commission or remaining 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; **the license so issued may be conditioned upon the licensee's compliance with the requirements of the commission regulating such discharge; 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 operated, for any such discharge as its present general location, such license being hereby

granted, **except that where an industry moving into a site formerly occupied by another industry having such license by virtue of this section shall be required to obtain a license if the waste to be discharged is not approximately identical with the waste discharged under the original license. The commission shall have authority to suspend or revoke for cause any license issued by it after reasonable notice to the licensee and hearing thereon.**

**Sec. 6. R. S., c. 79, § 12, amended.** Section 12 of chapter 79 of the Revised Statutes is hereby amended to read as follows:

**'Sec. 12. Injunctions.** In the event of the violation of any of the provisions of this chapter, or of any order or decision of the ~~Water Improvement Commission hereunder~~, or decree of the Court ~~hereunder~~, as the case may be, the Attorney General **or any person, firm or corporation who may be aggrieved** may institute injunction proceedings to enjoin the further violation thereof.'