

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninety-second and Ninety-third
Legislatures
OF THE
STATE OF MAINE

From April 22, 1945 to May 14, 1947
AND MISCELLANEOUS STATE PAPERS
From May 25, 1945 to May 14, 1947

Published by the Revisor of Statutes in accordance
with Chapter 10 of the Revised Statutes of 1944.

KENNEBEC JOURNAL
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1947

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-third Legislature

1947

Chapter 265

AN ACT Relating to Convictions Affecting Credibility and Constituting Criminal Records.

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

Sec. 1. R. S., c. 100, § 128, amended. Section 128 of chapter 100 of the revised statutes is hereby amended to read as follows:

'Sec. 128. Conviction affects credibility only. No person is incompetent to testify in any court or legal proceeding in consequence of having been convicted of an offense; but ~~such~~ conviction of a felony, any larceny or any other crime involving moral turpitude may be shown to affect his credibility.'

Sec. 2. R. S., c. 79, § 124, amended. Section 124 of chapter 79 of the revised statutes is hereby amended by adding at the end thereof a new paragraph to read as follows:

'Convictions for violation of the fish and game laws or motor vehicle traffic laws or municipal ordinances, where the fine imposed does not exceed \$50, shall not be deemed to constitute a criminal record against any person so convicted; but the provisions of this section shall not exempt any court or trial justice from filing court abstracts as now required by law.'

Effective August 13, 1947

Chapter 266

AN ACT Relating to Pollution of Streams.

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

Sec. 1. R. S., c. 33, § 57, repealed. Section 57 of chapter 33 of the revised statutes, as revised, is hereby repealed.

Sec. 2. R. S., c. 72, §§ 6, 7 and 8 renumbered. Sections 6, 7 and 8 of chapter 72 of the revised statutes, as enacted by section 2 of chapter 345 of the public laws of 1945, are hereby renumbered so that the same shall be numbered 7, 8 and 8-A respectively.

Sec. 3. R. S., c. 72, amended. Chapter 72 of the revised statutes, as amended by chapter 345 of the public laws of 1945, is hereby further amended by adding thereto a new section to be numbered 6, to read as follows:

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'Sec. 6. Deposit of slabs, edgings, sawdust, etc., in streams prohibited; penalty. No person, corporation or other party shall place or deposit in the inland waters of this state, or on the banks thereof in such a manner 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 pollute said waters in manner and extent inconsistent with the public interest. The sanitary water board may make surveys concerning pollution of said waters. Whenever said board finds a condition which, in its opinion, is in violation of 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 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 impose limitations on the nature and extent of deposit in said waters consistent with the public interest. Any person 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. Johns river, excepting all tributaries of the aforesaid rivers. Whoever violates any provision of this section shall pay a fine of not less than \$5, nor more than \$100, and costs, for each offense.

Nothing contained in this section shall nullify, modify or in any way affect any license granted by said board or otherwise granted pursuant to or by the provisions of section 3.

If any person, corporation or other party believes it to be necessary in the prosecution of his or its business to deposit some or all of the materials hereinbefore mentioned in this section in any of said waters, or on the banks thereof, to an extent prohibited by this section, he or it may make application to such board which shall give notice thereof and hold a hearing thereon, and which shall have authority to issue an order thereon granting such permit as it deems advisable or denying such application.

Any person, corporation or party aggrieved by any order or decision of said board made pursuant to any of the provisions of this section may appeal from such order or decision to any justice of the superior court in accordance with the procedure outlined in section 5 and all further proceedings upon such appeal shall be in accordance with the provisions of said section 5.'