

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# ACTS AND RESOLVES

AS PASSED BY THE

## Ninety-ninth Legislature

OF THE

# STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 27 of chapter 10 of the Revised Statutes of 1954.

---

KENNEBEC JOURNAL

AUGUSTA, MAINE

1959

---

---

PUBLIC LAWS  
OF THE  
STATE OF MAINE

As Passed by the Ninety-ninth Legislature

1959

---

---

'Income from the sale of publications shall be credited to the revolving fund to be used as a continuing carrying account to carry out the purpose of section 6-C.'

Effective September 12, 1959

---

---

## Chapter 294

### AN ACT Relating to Sewage Pollution Surveys.

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

Sec. 1. R. S., c. 79, § 7-B, additional. Chapter 79 of the Revised Statutes is amended by adding a new section 7-B, to read as follows:

'Sec. 7-B. Pollution surveys. The commission is authorized to pay up to 50%, or \$2,500, whichever is less, of the expenses of a sewage survey for a municipal or quasi-municipal corporation which shall have been approved as to purpose, necessity and priority. Municipalities and quasi-municipal corporations are specifically authorized to make such contracts with the State as are deemed necessary and may pay over moneys to the State to carry out the purposes of this section.'

Sec. 2. Allocation. There is hereby allocated out of any sums appropriated for pollution abatement under the provisions of chapter 388 of the public laws of 1957, \$25,000 for each of the fiscal years ending June 30, 1960 and June 30, 1961. All unencumbered balances as of June 30, 1961 shall lapse.

Effective September 12, 1959

---

---

## Chapter 295

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

*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 application for a license from the commission shall be required hereunder under this section or section 9 for any manufacturing, processing or industrial plant or establishment, now or heretofore operated 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 unclassified surface waters or tidal flats, without first obtaining a license from the commission. No license, from the commission, shall

be required of any municipality, sewer district or other quasi-municipal corporation to dispose of any sewage from outfalls or facilities existing on the first day of September, 1959. Such license 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 the adoption in accordance with the provisions of section 3. The form of application, notice of hearing, amount of license fee 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 ~~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.'

Effective September 12, 1959

---



---

## Chapter 296

AN ACT Relating to Increase in Temporary Loans for County of Kennebec.

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

R. S., c. 89, § 30, amended. The first sentence of section 30 of chapter 89 of the Revised Statutes, as amended by chapter 438 of the public laws of 1955, is further amended to read as follows: