

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and Fourth Legislature

OF THE

# STATE OF MAINE

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1969

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
ONE HUNDRED AND FOURTH LEGISLATURE  
1969

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Every distributor of internal combustion fuels shall keep a record of sales of such fuels as are sold to be used for aeronautical purposes and shall render a report thereof as provided in section 2906. The tax received by the State on internal combustion engine fuels which are sold to be used for aeronautical purposes shall accrue to the General Fund. The necessary expenses of the collection of the tax on such fuels to be used for aeronautical purposes shall be deducted.

Sec. 19. **Aeronautical Fund.** Any balance remaining in the Aeronautical Fund after the effective date of this Act shall not lapse but shall be carried forward and expended for the purposes for which such fund was heretofore established until such balance is exhausted.

Effective October 1, 1969

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## Chapter 499

### AN ACT Relating to the Water and Air Environmental Improvement Commission.

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

Sec. 1. R. S., T. 38, § 361, amended. The first paragraph of section 361 of Title 38 of the Revised Statutes, as amended, is further amended to read as follows:

The Water and Air Environmental Improvement Commission, as heretofore established and hereinafter in this subchapter called the "commission," shall consist of ~~the Commissioner of Health and Welfare who shall serve during his term of office and~~ 10 members appointed by the Governor with the advice and consent of the Council, 2 of whom shall represent manufacturing interests of the State, 2 of whom shall be representatives of municipalities, 2 of whom shall represent the public generally, 2 of whom shall represent the conservation interests in the State and 2 other members knowledgeable in matters relating to air pollution. The members ~~appointed by the Governor~~ shall be appointed for a term of 3 years and until their successors are appointed and duly qualified.

Sec. 2. R. S., T. 38, § 361, amended. The last sentence of the 3rd paragraph of section 361 of Title 38 of the Revised Statutes is amended to read as follows:

~~Five~~ Three members of the commission shall constitute a quorum.

Sec. 3. R. S., T. 38, § 361, amended. Section 361 of Title 38 of the Revised Statutes, as amended, is further amended by adding after the 4th paragraph, a new paragraph, as follows:

The commission may employ a director, and fix his salary with the approval of the Governor and Council. Such director shall serve at the pleasure of the commission, and shall carry out such administrative duties as the commission may prescribe.

**Sec. 4. Intent.** The present members of the Water and Air Environmental Improvement Commission shall continue in office until the expiration of their respective terms, or until their office becomes vacant by reason of death, resignation, removal or otherwise, whichever first occurs.

**Sec. 5. R. S., T. 38, § 411, sub-§ 1, amended.** The 2nd sentence of subsection 1 of section 411 of Title 38 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 538 of the public laws of 1967, is amended to read as follows:

State grant-in-aid participation under this subsection shall be limited to grants for waste treatment facilities, interceptor systems and outfalls.

**Sec. 6. R. S., T. 38, § 411, sub-§ 1, amended.** The 3rd paragraph of subsection 1 of section 411 of Title 38 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 538 of the public laws of 1967, is amended to read as follows:

All proceeds of the sale of bonds for the **planning**, construction and equipment of pollution abatement facilities to be expended under the direction and supervision of the Water and Air Environmental Improvement Commission shall be segregated, apportioned and expended as provided by the Legislature, **provided that when the Legislature is not in session, the Governor and Council may authorize the commission to advance planning funds authorized by subsections 2 and 3, not in excess of \$50,000 to any one municipality or quasi-municipal corporation.**

**Sec. 7. R. S., T. 38, § 411, sub-§ 2, amended.** The first sentence of subsection 2 of section 411 of Title 38 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 538 of the public laws of 1967, is amended to read as follows:

Notwithstanding and in addition to ~~subsection~~ **subsections 1 and 3, but subject to the limitation of the last clause of subsection 3**, the commission may make payments allocated by the Legislature for municipal or quasi-municipal pollution abatement construction programs which have received federal approval, **or for planning such programs**, in anticipation of reimbursement from federal programs of said amounts; in which event the commission is further authorized to make additional payments not in excess of 30% of the expense of said ~~program~~ **programs or the planning thereof.**

**Sec. 8. R. S., T. 38, § 411, sub-§ 3, additional.** Section 411 of Title 38 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 538 of the public laws of 1967, is amended by adding a new subsection 3, to read as follows:

**3. Grants by State for planning.** The commission is authorized to pay

an amount not in excess of 30% of the expense of a municipality or quasi-municipal corporation incurred by it in planning a pollution abatement construction program. Such amount may be in addition to any amounts previously paid by the commission pursuant to section 412, but shall not be paid until the governing body of the municipality or the quasi-municipal corporation duly votes to proceed with a pollution abatement construction program.

Sec. 9. R. S., T. 38, § 413, amended. Section 413 of Title 38 of the Revised Statutes is amended by adding at the end, a new paragraph, to read as follows:

In the event that licensee under this section shall transfer the ownership of the manufacturing, processing or industrial plant which is the source of the discharge mentioned in the last sentence of the previous paragraph of this section, the license granted by this section shall upon such transfer be extinguished and the new owner shall seek license under section 414.

Sec. 10. R. S., T. 38, § 414, repealed and replaced. Section 414 of Title 38 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 414. Applications for licenses

1. Classified waters. Applications for licenses shall be submitted to the commission in such form and containing such information as the commission may by regulation require, and shall be signed by the applicant.

The commission may reject applications which are not in accord with applicable law and regulations. In such event, written notice of such rejection shall be given to the applicant within 30 days of receipt of the application, and such notice shall be accompanied by a statement indicating the information deemed necessary by the commission in order for the application to conform to applicable law and regulations. Within 30 days of such notice and statement, or within such other time as the commission may allow, the applicant shall file the required information, otherwise the application shall be deemed withdrawn. Nothing in this section shall be construed to require an applicant to disclose any secret formulae, processes or methods used in any manufacturing operation carried on by him or under his direction.

Applications found to be in order by the commission shall be dealt with as hereinafter provided.

A. Discharge of less than 1,000 gallons per day of domestic sanitary sewage. In the event that the applicant proposes to discharge less than 1,000 gallons of domestic sanitary sewage per day, the commission may:

(1) If it determines as a result of its own investigation that such discharge, either of itself or in combination with existing discharges to the waterway, will not lower the classification of any receiving body of water or tidal waters, issue such license to the applicant upon payment of the sum of \$50; or

(2) Hold a public hearing upon the application in the manner hereinafter provided.

B. Other discharges. In the event that the applicant proposes to dis-

charge other than less than 1,000 gallons of domestic sanitary sewage per day, the commission shall set a time and place for hearing on the application, which hearing shall be held within 45 days of receipt by the commission of the application, and shall give notice of the hearing to the applicant by certified mail, return receipt requested, and 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 3 members of the commission, and evidence taken and received shall have the same effect as though taken and received by the full commission and shall authorize action by the full commission as though by it taken and received.

If after hearing, the commission shall determine that such discharge, either of itself or in combination with existing discharges to the waterway, will not lower the classification of any receiving body of water or tidal waters, it shall issue such license to the applicant upon payment of the sum of \$50.

2. **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, in existence prior to September 1, 1959 for any discharge as the same existed on that date at its then point of discharge, such license being hereby granted. The commission shall not withhold a license if it shall find that such sewage or waste will not lower the quality of the unclassified waters below the classification which the commission expects to recommend in accordance with section 365. The form of application, commission action thereon, and license fee shall be as provided in subsection 1.

3. **General.** Any license to so discharge granted by the commission may contain such reasonable terms and conditions with respect to the discharge as in the commission's determination will best achieve the standards set forth in sections 363 and 364.

A full and complete record shall be kept of all hearings held under this section by the commission and all testimony shall be taken by a stenographer. The commission may make reasonable rules and regulations relating to the conduct of hearings held under this section.

**Sec. 11. R. S., T. 38, § 451, sub-§ 1, amended.** Subsection 1 of section 451 of Title 38 of the Revised Statutes, as repealed and replaced by section 11 of chapter 475 of the public laws of 1967, is amended by inserting before the 3rd paragraph from the end, a new paragraph, as follows:

However, a reclassification adopted on or after January 1, 1967 shall not be deemed to exempt any municipality, sewer district, person, firm, corporation or other legal entity from complying with the water quality standards of the last previous classification, as such standards existed on December 31, 1966, and enforcement action may be maintained for noncompliance therewith; provided, however, that in the event that a time schedule for compliance with the standards of such last previous classification was in existence on December 31, 1966 and the municipality, sewer district, person, firm, corporation

or other legal entity was on that date in compliance with such time schedule, then no such enforcement action may be maintained, nor shall any further compliance with such time schedule be required.

**Sec. 12.** R. S., T. 38, § 451, sub-§ 1, amended. The 3rd paragraph from the end of subsection 1 of section 451 of Title 38 of the Revised Statutes, as repealed and replaced by section 11 of chapter 475 of the public laws of 1967, is amended to read as follows:

After notice to and a hearing with the affected parties, the commission ~~shall~~ **may** issue to any municipality, sewer district, person, firm, corporation or other legal entity, special orders directing such operating results as are necessary to achieve any of the interim goals set out in the above timetable.

**Sec. 13.** R. S., T. 38, § 451, sub-§ 2, amended. Subsection 2 of section 451 of Title 38 of the Revised Statutes, as repealed and replaced by section 1 of chapter 528 of the public laws of 1967, is amended by adding at the end the following paragraph:

The presiding member of the commission is empowered to administer oaths and affirmations to witnesses testifying at such hearings.

Effective October 1, 1969

## Chapter 500

### AN ACT to Revise the Liquor Laws.

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

**Sec. 1.** R. S., T. 17, § 851, amended. Section 851 of Title 17 of the Revised Statutes is amended to read as follows:

#### § 851. Permitting children in disorderly house

Whoever admits or allows to remain in any disorderly house, house of ill fame, gambling place ~~or place where intoxicating liquors are sold~~ or other place injurious to health or morals, owned, kept, maintained, managed or controlled by him in whole or in part, any child under the age of 16 years, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 60 days. ~~A child or children under the age of 16 years may enter places where intoxicating liquor is sold when accompanied by a parent, guardian or other adult person in charge of such child or children, with the consent of the parent or guardian of such child or children~~

**Sec. 2.** R. S., T. 28, § 2, sub-§ 1-A, additional. Section 2 of Title 28 of