

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fourth Legislature
AT THE
SPECIAL SESSION

January 6, 1970
to
February 7, 1970

Chapter 569

AN ACT Relating to Prerequisites for the Insurance of Mortgages by the Maine Industrial Building Authority, Maine Recreation Authority and the Municipal Securities Approval Board.

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

Sec. 1. R. S., T. 10, § 803, amended. Section 803 of Title 10 of the Revised Statutes, as amended, is further amended by adding at the end the following new paragraph:

In any event no mortgage may be insured by the authority until the mortgagee, the mortgagor or any proposed lessee or assignee, as appropriate, have secured all applicable licenses, or it is determined that none is required, from the Environmental Improvement Commission.

Sec. 2. R. S., T. 10, § 6003, amended. Section 6003 of Title 10 of the Revised Statutes, as enacted by section 1 of chapter 495 of the public laws of 1965, and as amended, is further amended by adding at the end the following new paragraph:

In any event no mortgage may be insured by the authority until the mortgagee, the mortgagor or any proposed lessee or assignee, as appropriate, have secured all applicable licenses, or it is determined that none is required, from the Environmental Improvement Commission.

Sec. 3. R. S., T. 30, § 5328, sub-§ 3, amended. Subsection 3 of section 5328 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 423 of the public laws of 1965, is amended by adding a new sentence to read as follows:

In any event no project shall be approved and no certificate of approval shall be issued until the project has received and secured all applicable licenses, or it is determined that none is required, from the Environmental Improvement Commission.

Effective May 9, 1970

Chapter 570

AN ACT Prohibiting Dumping of Out-of-State Waste Matter.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is an increasing national demand for land areas to be used for the public and private dumping of waste matter; and

Whereas, there are large areas in the State of Maine which are of interest to other states, municipalities and private interests for use as dumping areas; and

Whereas, the use of Maine land as sites for the dumping of waste matter from out-of-state sources will greatly increase the levels of pollution in Maine soil and waters and threaten the health, safety and welfare of the people of the State of Maine; and

Whereas, the State of Maine is currently without express statutory authority to exclude such waste and other loathsome products as are being, and may be from time to time, brought into the State; and

Whereas, the passage of this Act will enhance the opportunity for the State of Maine to prevent said pollution, reduce said threat to the health, safety and welfare of the people of the State of Maine, and exclude said waste matter; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of the State of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., T. 17, § 2253, additional. Title 17 of the Revised Statutes is amended by adding a new section 2253, to read as follows:

§ 2253. Out-of-state waste matter

As used in this section, "waste matter" means garbage, refuse, solid or liquid waste, ashes, rubbish, industrial and commercial waste, and all other refuse of every description, whether loose, in containers, compacted, baled, bundled or otherwise.

No person, firm, corporation or other legal entity shall deposit, or cause or permit to be deposited, any waste matter in any structure or on any land within the State, which waste matter originated outside the State.

Nothing in this section shall be construed to prohibit the transportation of waste matter into the State for use as a raw material for the production of new commodities which are not waste matter as defined.

Whoever shall violate this section shall be punished by a fine of not less than \$200 nor more than \$2,000 for each violation. Each day that such violation continues or exists shall constitute a separate offense.

The Superior Court, upon complaint of the Attorney General, the municipal officers of any municipality, or any local or state health officer, shall have jurisdiction to restrain or enjoin violations of this section, and to enter decrees requiring the removal from the State of waste matter deposited in violation of this section. In any such civil proceeding neither an allegation nor proof of unavoidable or substantial and irreparable injury shall be required to obtain a temporary restraining order or injunction, nor shall bond be required of the plaintiff; and the burden of proof shall be on the defendant to show that the waste matter involved originated within the State.

The Legislature finding that waste matter of the nature hereinafter described poses no threat to the environment of this State, the provisions of this

section shall not be construed to prohibit persons, firms, corporations and other legal entities now or previously depositing waste matter on property within the State owned on January 1, 1970 by them, which waste matter originates from property owned by them adjacent to the border of the State, from continuing to so deposit waste matter of the same nature as has been so deposited; except that this provision shall not apply to solid waste after December 31, 1971.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 5, 1970

Chapter 571

AN ACT to Regulate Site Location of Development Substantially Affecting Environment.

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

Sec. 1. R. S., T. 38, § 361, amended. The 6th and 7th paragraphs of section 361 of Title 38 of the Revised Statutes, as amended by section 2 of chapter 475 of the public laws of 1967, are further amended to read as follows:

It shall be the duty of the commission, ~~to study, investigate and from time to time recommend to the persons responsible for the conditions, ways and means, so far as practicable and consistent with the public interest, of controlling exercising the police power of the State, to control, abate and prevent the pollution of the air, rivers waters, and coastal flats and prevent diminution of the highest and best use of the natural environment of the State by the deposit therein or thereon of municipal sewage, industrial waste and other substances and materials in so far as the same are detrimental to the public health or to animal, fish or aquatic life, or to the practicable and beneficial use of said air, rivers, waters and coastal flats.~~ The commission shall make recommendations to each subsequent Legislature with respect to the classification of the ~~rivers~~ waters and coastal flats and sections thereof within the State, based upon reasonable standards of quality and use.

The commission shall make recommendations to each Legislature with respect to ~~the control, abatement and prevention of pollution of the air, rivers waters, and coastal flats and sections thereof~~ other aspects of the natural environment within the State ~~for the purpose of raising the classifications or standards thereof to the highest possible classification or standards so far as economically feasible, such recommendations to relate to methods, costs and the setting of time limits for compliance~~ for the benefit of the citizens of this State.

Sec. 2. R. S., T. 38, c. 3, sub-c. I, Art. 6, additional. Subchapter I of chapter 3 of Title 38 of the Revised Statutes, as amended, is further amended by adding a new Article 6, to read as follows: