

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND McLEARY COMPANY
FARMINGTON, MAINE
1973

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature

1973

CHAPTER 608

AN ACT to Establish a Water Quality Related Great Ponds Program in Department of Environmental Protection.

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

Sec. 1. R. S., T. 38, c. 3, sub-c. I, Article 1-A, additional. Subchapter I of chapter 3 of Title 38 of the Revised Statutes is amended by adding a new Article 1-A, to read as follows:

ARTICLE 1-A. GREAT PONDS PROGRAM

§ 380. Findings; purpose

The Legislature finds and declares and recognizes that great ponds have great scenic beauty and unique characteristics, unsurpassed recreational, cultural, historical and environmental value of present and future benefits to the citizens of the State; and that uses are causing the rapid acceleration of the eutrophication of these great ponds and threatening the health, safety and general welfare of the citizens of Maine.

The Legislature further finds and declares that it is in the best interest of the people of Maine to provide for the orderly protection, management and reclamation of these great ponds.

The Legislature further finds and declares that the protection and enhancement of the environment of great ponds is a matter of high urgency and priority and that this environment is being endangered by unwise uses.

The Legislature further finds and declares that although there are a number of existing state agencies, commissions, boards or similar entities administering various statutes and programs relating to great ponds, all of which are worthwhile and worthy of continuing support, the critical nature of the problem attending great ponds requires coordination and leadership.

The Legislature further recognizes that existing water related environmental statutes and programs were basically developed for free-flowing bodies of waters, such as rivers and streams, and as such are not adequate for application in protecting and reclaiming the water quality of great ponds, and that there is a need to facilitate research, develop programs and establish sound environmental standards that will prevent the degradation of and will encourage the enhancement of great ponds.

It is the intention of the Legislature that existing programs related to great ponds continue in their present form and that the Department of Environmental Protection provide coordination and vigorous leadership to develop new programs to achieve the purpose of this chapter.

§ 381. Great pond defined

Great pond shall include any inland body of water which in its natural state has a surface area in excess of 10 acres, and any inland body of water

artificially formed or increased which has a surface area in excess of 30 acres, the shore of which is owned by 2 or more persons.

§ 382. Powers and duties

1. **Criteria.** The board shall establish, after public hearing, criteria for classifying great ponds according to their trophic conditions and stages of trophic development. In establishing such criteria, the board shall consider the size, depth and volume of the ponds, the number, size and flow of inlets and outlets, the size of drainage areas, stratification, geology, aquatic plant and animal life and other appropriate physical, chemical and biological characteristics and the statutory water quality classification of these ponds.

2. **Public hearing.** The board shall classify great ponds, after public hearings, in accordance with the criteria it develops.

3. **Guidelines.** The board, after public hearing, may establish guidelines for sewerage disposal and collection systems and other waste control systems to control, abate and prevent environmental damage to great ponds in each category.

§ 383. Data bank

The Department of Environmental Protection may maintain, in cooperation with other State agencies, a data bank containing all the known information pertaining to all great ponds within the State. All governmental agencies, state or federal, shall make available to the department such information in their possession relating to great ponds.

§ 384. Research

The Department of Environmental Protection is authorized to conduct research and studies to determine how water quality in great ponds can be restored and enhanced.

§ 385. Funds

The Department of Environmental Protection is the public agency of the State authorized to accept funds, public and private, for the purposes of this chapter.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Department of Environmental Protection the sum of \$97,300 to carry out the purposes of this Act. The breakdown shall be as follows:

	1973-74	1974-75
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Personal Services	(4) \$28,700	(4) \$31,600
All Other	18,800	16,200
Capital Expenditures	1,200	800
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Total	\$48,700	\$48,600

Any unexpended balance shall not lapse but remain a continuing carrying account.

Effective October 3, 1973

CHAPTER 609

AN ACT Relating to Exceptional Children.

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

Sec. 1. R. S., T. 20, c. 404, additional. Title 20 of the Revised Statutes is amended by adding a new chapter 404 to read as follows:

CHAPTER 404

EXCEPTIONAL CHILDREN

§ 3121. Purpose

It is the declared policy of this State to provide equal educational opportunities for all children. It is the purpose of this chapter to insure that all school administrative units provide equal educational opportunities for all exceptional children. It is deemed to be appropriate to provide educational services within regular programs with supportive assistance, within regulations promulgated by the State Department of Educational and Cultural Services. Exception to this policy shall be based on appropriate supporting evaluative data submitted by a school administrative unit to the commissioner explicitly indicating a child cannot be properly served in a regular program.

§ 3122. Services mandatory

The commissioner shall provide or cause to be provided by administrative units all regular and special education, corrective and supporting services required by exceptional children to the end that they shall receive the benefits of a free public education appropriate to their needs. It shall be within the jurisdiction of the commissioner to require that schools and classes in all institutions, wholly or partly supported by the State, which are not supervised by public school authorities, be organized according to the regulations established by him for the conduct of schools and classes of the public school system.

§ 3123. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Exceptional child. "Exceptional child" means any person between the ages of 5 and 20 determined to be mentally handicapped, emotionally handicapped, hearing impaired, speech and language impaired, learning disabled, visually impaired, physically handicapped or multiply handicapped, as defined by the Maine Department of Educational and Cultural Services.