

MAINE STATE LEGISLATURE

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NEW DRAFT "B" TO H. P. 1109—L. D. 1300

N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 1514

H. P. 1231

House of Representatives, April 29, 1955.

Reported by Mr. Lamb from Committee on Natural Resources and printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Amending Laws on Water Pollution Control.

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

Sec. 1. R. S., c. 79, § 1, amended. The 1st sentence of section 1 of chapter 79 of the revised statutes is hereby amended to read as follows:

'The Water Improvement Commission, as heretofore established and hereinafter in this chapter called the "Commission," shall consist of the Commissioner of Health and Welfare who shall serve during his term of office and ~~6~~ 8 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 ~~and~~, 2 of whom shall represent the public generally and 2 of whom shall represent the conservation interests in the State.'

Sec. 2. R. S., c. 79, § 1, amended. The 3rd paragraph of section 1 of chapter 79 of the revised statutes is hereby amended to read as follows:

'Meetings of the Commission shall be held at such time and place as shall be determined by the Commission but not less than 2 meetings per year shall be held. The Commission shall organize in October of each year by electing one of its members as chairman but in his absence any other member of the Commission shall be elected to act as chairman. The Commission shall also at the same time elect a secretary who need not be chosen from among the members of the Commission. ~~Four~~ Six members of the Commission shall constitute a quorum.'

Sec. 3. R. S., c. 79, § 1, amended. Section 1 of chapter 79 of the revised statutes is hereby amended by adding at the end thereof a new paragraph to read as follows:

'The Commission shall make recommendations to each Legislature with respect to abatement of pollution of the rivers, waters and coastal flats and sections thereof within the State for the purpose of raising the classifications thereof to the highest possible classifications so far as economically feasible; such recommendations to relate to methods, costs and the setting of time limits for compliance.'

Sec. 4. R. S., c. 79, § 1-A, additional. Chapter 79 of the revised statutes is hereby amended by adding thereto a new section, to be numbered 1-A, to read as follows:

'Sec. 1-A. Authority to accept federal funds. The Water Improvement Commission is hereby designated the public agency of the State of Maine for the purpose of accepting federal funds in relation to water pollution control and water resources. The Commission is authorized, subject to the approval of the Governor and Council, to accept federal funds available for water pollution control and water resources and meet such requirements with respect to the administration of such funds, not inconsistent with the provisions of this chapter, as are required as conditions precedent to receiving federal funds. The Treasurer of State shall be the appropriate fiscal officer of the State to receive federal grants on account of water pollution control and water resources and the State Controller shall authorize expenditures therefrom as approved by the Commission.'

Sec. 5. R. S., c. 79, § 2, amended. Section 2 of chapter 79 of the revised statutes is hereby amended to read as follows:

'Sec. 2. Standards of classification. The Commission shall have 4 standards for the classification of surface waters and tidal flats.

Class A shall be the highest classification and shall be of such quality that it can be used for bathing and for public water supplies after disinfection, and the dissolved oxygen content of such waters shall not be less than 75% saturation and contain not more than 100 coliform bacteria per 100 milliliters.

There shall be no discharge of sewage or other wastes into water of this classification and no deposits of such material on the banks of such waters in such a manner that transfer of the material into the waters is likely. Such waters may be used for log driving or other commercial purposes which will not lower its classification.

Class B shall be the second highest classification and the dissolved oxygen content of such waters shall not be less than 75% saturation and contain not more than 300 coliform bacteria per 100 milliliters.

There shall be no disposal of sewage into such waters except from a sewage treatment plant with disinfected effluent, and no disposal of other wastes except those that will not lower the classification of the water or be injurious to aquatic life or render such dangerous for human consumption if commonly

so used. Waters of this class shall be considered acceptable for recreational purposes and, after adequate treatment, for use as a public water supply.

Class B, the second highest classification, shall be divided into 2 designated groups as B-1 and B-2.

B-1. Waters of this class shall be considered the higher quality of the Class B group and shall be acceptable for recreational purposes and after adequate treatment for use as a potable water supply. The dissolved oxygen of such waters shall be not less than 75% of saturation and contain no more than 300 coliform bacteria per 100 milliliters.

There shall be no disposal of sewage or industrial wastes in such waters except those which have received adequate treatment to prevent lowering of the standards for this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or render such dangerous for human consumption.

B-2. Waters of this class shall be acceptable for recreational boating, fishing, industrial and potable water supplies after adequate treatment. The dissolved oxygen of such waters shall not be less than 60% of saturation and contain no more than 1,000 coliform bacteria per 100 milliliters.

There shall be no disposal of sewage or industrial waste in such waters to lower its classification nor shall such disposal of sewage or waste be injurious to aquatic life or dangerous for human consumption.

Class C, the third highest classification, shall be of such a quality as to be satisfactory for recreational boating, fishing and other uses except potable water supplies and swimming, unless adequately treated to meet standards.

~~Class C waters, the third highest~~ Waters of this classification shall be free from scums, slicks, odors and objectionable floating solids, and shall be free from chemicals and other conditions inimical to ~~fish~~ aquatic life, ~~and the~~ The dissolved oxygen content of such waters shall not be less than 5 parts per million for trout and salmon waters and not less than 4 parts per million for non-trout and non-salmon waters. During a period of temporary reduction in the dissolved oxygen content in this class water, due to abnormal conditions of temperature or stream flow for the particular season involved, the commission shall take no action to reduce the amount of pollution from any source which is allowed in such class water under normal conditions.

The Commission may take such action as may be appropriate for the best interests of the public when it finds that a "C" classification is temporarily lowered due to abnormal conditions of temperature and stream flow for that season involved.

Class D waters, the lowest classification, shall be considered as primarily devoted to the transportation of sewage and industrial wastes without the creation of a nuisance condition and such waters shall contain dissolved oxygen at all times. During a period of temporary reduction in the dissolved oxygen content in this class water, due to abnormal conditions of temperature or stream flow for the particular season involved, the Commission, provided a nuisance condition has not then been created in such water and in the opinion of the Commission is not likely to be created during such season, shall take no action to reduce the

amount of pollution from any source which is allowed in such class water under normal conditions.'

Sec. 6. R. S., c. 79, § 3, amended. The last sentence of section 3 of chapter 79 of the revised statutes is hereby repealed, as follows:

~~'Such legislative proposals shall be accompanied by information relative to action necessary to raise the said classification.'~~

Sec. 7. R. S., c. 79, § 5, amended. Section 5 of chapter 79 of the revised statutes is hereby amended by adding at the end thereof the following paragraph:

'Any authorized member or employee of the Commission may enter any land or establishment for the purpose of collecting information that may be necessary to the purposes hereof and no owner of such land or establishment shall refuse any reasonable request to admit such member or employee or refuse any reasonable request to furnish such information concerning pollution of waters by such establishment.'

Sec. 8. R. S., c. 79, § 8, amended. Section 8 of chapter 79 of the revised statutes is hereby 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 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~~ **pollution** to said waters without first obtaining a license therefor from the Water Improvement Commission; provided, however, that no application for a license shall be required hereunder for any manufacturing, processing or industrial plant or establishment, ~~now or heretofore~~ **operated on September 1, 1955 or theretofore** for any such discharge at its ~~then present~~ general location, such license being hereby granted.'

Sec. 9. R. S., c. 79, § 11, amended. The 1st sentence of section 11 of chapter 79 of the revised statutes is hereby amended to read as follows:

'No person, corporation or other party shall place or deposit in the inland waters or tidal waters of this State, or on the banks thereof so that the same shall fall or be washed into such waters, any slabs, edgings, sawdust, chips, bark, slash or shavings created in the manufacture of lumber or other wood products, or so deposit any oil regardless of its source, ~~or so as to~~ pollute said waters.'

Sec. 10. R. S., c. 79, § 13, repealed and replaced. Section 13 of chapter 79 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 13. Exceptions. Nothing contained in this chapter shall affect any litigation pending on January 1, 1945 under any other statute nor in any way impair any decrees or orders of court heretofore or hereafter entered in any proceedings so pending, nor shall the granting of any license or authority under the provisions of this chapter limit the powers of the State to initiate, prosecute and maintain actions to abate public nuisances to the extent consistent with the public interest, nor shall any license granted under the provisions of this chapter constitute a defense to any action at law for damages.'