

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 1820

6 S. P. 762 In Senate, January 13, 1982
7 Approved for introduction by the Legislative Council pursuant to
8 Joint Rule 26.

Referred to the Committee on Energy and Natural Resources and
ordered printed. Sent down for concurrence. Ordered sent forthwith.

MAY M. ROSS, Secretary of the Senate

9 Presented by Senator Shute of Waldo.

10 Cosponsors: Representative Drinkwater of Belfast, Representative
11 Crowley of Stockton Springs and Senator Perkins of Hancock.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-TWO
16

17 **AN ACT to Require Municipal Approval Prior to**
18 **Issuing Permits to Discharge Petroleum Products into**
19 **the Tidal Waters of the State.**
20

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

22 **Sec. 1. 38 MRSA §362-A**, as enacted by PL 1973, c. 423,
23 **§3**, is amended by adding at the end a new paragraph to read:

24 The provisions of this section are subject to the re-
25 quirements of section 558.

26 **Sec. 2. 38 MRSA §556**, as last amended by PL 1979, c.
27 **541, Pt. A, §270**, is further amended to read:

28 §556. Municipal ordinances; powers limited

29 Nothing in this subchapter shall be construed to deny
30 any municipality, by ordinance or by law, from exercising
31 police powers under any general or special Act; provided

1 that ordinances and bylaws in furtherance of the intent of
2 this subchapter and promoting the general welfare, public
3 health and public safety shall be valid unless in direct
4 conflict with this subchapter or any rule, regulation or
5 order of the board adopted under authority of this subchap-
6 ter, except as provided in section 558.

7 Sec. 3. 38 MRSA §558 is enacted to read:

8 §558. Petroleum product discharge permit; municipal
9 approval

10 No permit granted by the Board of Environmental Protec-
11 tion for the discharge of petroleum products into the tidal
12 waters of this State may be effective until municipal
13 approval is received from the appropriate municipal author-
14 ity in the municipality or municipalities into whose tidal
15 waters the petroleum products are to be discharged.

16

STATEMENT OF FACT

17 Under current law, the Department of Environmental Pro-
18 tection can issue waivers permitting the dumping or dis-
19 charging of certain substances, including petroleum prod-
20 ucts, that otherwise could not be discharged in the manner
21 contemplated. This bill prevents permits for the discharge
22 of petroleum products into tidal waters from becoming effec-
23 tive until approval has been received from the appropriate
24 authorities in the municipality or municipalities into whose
25 tidal waters the products would be discharged.

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