

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1043

S.P. 369

In Senate, March 24, 2015

An Act To Strengthen the Overboard Discharge Removal Grant Program

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator JOHNSON of Lincoln.
Cosponsored by Representative KUMIEGA of Deer Isle and
Senators: BREEN of Cumberland, LIBBY of Androscoggin, MIRAMANT of Knox,
SAVIELLO of Franklin, Representatives: ALLEY of Beals, BLUME of York, DEVIN of
Newcastle, WELSH of Rockport.

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

2 **Sec. 1. 38 MRSA §411-A, sub-§5** is enacted to read:

3 **5. Advance approval and dedication of reimbursement grants.** The
4 commissioner shall approve the application of an individual for a grant to reimburse the
5 individual for the cost of removing any overboard discharge, subject to the provisions of
6 subsection 2-A, in advance of construction if the following conditions are met:

7 A. The owner of the overboard discharge has an annual income of \$75,000 or less;

8 B. The removal is likely to result in the elimination of sources of contamination to
9 shellfish areas or public nuisance conditions; and

10 C. The removal is required under section 413, subsection 3 or section 414-A,
11 subsection 1-B.

12 An applicant under this subsection shall provide to the department a written proposal
13 describing the overboard discharge removal project, including a detailed estimate of the
14 project expenses and any other information required by the department. If the
15 commissioner finds that the application meets the criteria for a grant under this
16 subsection, the commissioner shall ensure that the proposed project expenses eligible for
17 the grant are immediately dedicated to the applicant’s project and remain available for
18 reimbursement of the applicant’s actual eligible project expenses for a specified period of
19 time of at least 90 days and shall notify the applicant in writing that the application has
20 been approved and that the funds will be available for reimbursement of actual eligible
21 project expenses for the specified period of time. Upon completion of the overboard
22 discharge removal project, the applicant shall submit to the department written
23 documentation of project completion, including financial documentation of all project
24 expenses, and the commissioner shall, within a reasonable period of time, reimburse the
25 individual for the eligible portion of the actual project expenses in accordance with
26 subsection 2-A. The commissioner may not refuse reimbursement of actual eligible
27 project expenses when an overboard discharge removal project is completed in a manner
28 consistent with the application previously filed and approved under this subsection.

29 **Sec. 2. Appropriations and allocations.** The following appropriations and
30 allocations are made.

31 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

32 **Land and Water Quality 0248**

33 Initiative: Provides funding in fiscal years 2015-16 and 2016-17 to provide grants to
34 reimburse individuals for the cost of removing an overboard discharge.

| | | | |
|----|---------------------------|------------------|------------------|
| 35 | | | |
| 36 | GENERAL FUND | 2015-16 | 2016-17 |
| 37 | All Other | \$200,000 | \$200,000 |
| 38 | | | |
| 39 | GENERAL FUND TOTAL | <u>\$200,000</u> | <u>\$200,000</u> |

1

SUMMARY

2 This bill amends the laws regarding the State's contribution to residential overboard
3 discharge replacement projects. Under current law, depending on income level, an
4 individual may apply for a grant for reimbursement of all or a portion of the cost of
5 removing and replacing any overboard discharge, but may be approved for such
6 reimbursement only after project completion. This bill allows the Commissioner of
7 Environmental Protection to approve applications for reimbursement in advance of
8 construction if certain conditions are met and to dedicate the proposed project expenses
9 for reimbursement for a specified period of time. Upon completion of the project and
10 submission of expense documentation, the commissioner is directed to reimburse the
11 individual for the previously applied for and approved eligible project expenses. The bill
12 also provides an appropriation in fiscal years 2015-16 and 2016-17 in the amount of
13 \$200,000 per year to provide grants to reimburse individuals for the cost of removing an
14 overboard discharge under this program.