

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
107TH LEGISLATURE

(Filing No. H-786)

COMMITTEE AMENDMENT "A" to H.P. 1700, L.D. 1933, Bill,  
"AN ACT to Authorize the Board of Environmental Protection to  
Regulate the Anchorage of Tankers in Casco Bay."

Amend said Bill by striking out everything after the  
enacting clause and inserting in place thereof the following:

'38 MRSA §560 is enacted to read:

§560. Vessels at anchorage

1. Purpose. The Legislature intends by the enactment of  
this section to exercise the police power of the State through  
the Board of Environmental Protection by conferring upon said  
board the exclusive power to deal with the hazards and threats  
of danger and damage posed by the anchorage of oil carrying  
vessels in the waters of the State. The purpose of regulations  
adopted by the board shall be to protect the coastal waters,  
tidal flats, beaches and lands adjoining the waters of the  
State from damage by the intentional or accidental discharge  
of oil, other pollutants as defined in Title 38, / <sup>section 361-A</sup> or air  
contaminants as defined in Title 38, / <sup>section 582</sup> or explosion from the  
accumulation of gases aboard such vessels and to prohibit  
interference with the harvesting of marine resources, aesthetic  
and recreational uses of such waters.

2. Definitions.

A. Anchorage. As used in this section, the word "anchorage"  
means the mooring for a period of definite or indefinite  
duration of a vessel designed or used to carry oil, which  
is not waiting for a scheduled unloading of cargo in  
Maine waters.

3. Board to adopt regulations. The Board of Environmental Protection shall, within 90 days after the effective date of this Act, adopt regulations limiting or, to the extent the board determines necessary, prohibiting the anchorage in Maine coastal waters, estuaries or rivers under the jurisdiction of the State of Maine vessels designed or used to carry oil as cargo. All regulations adopted by the Board of Environmental Protection under this section shall not apply to vessels at anchorage prior to July 1, 1975.

4. Scope of regulations. In adopting these regulations, in addition to other provisions of this subchapter, the board's consideration shall include, but not be limited to:

- A. The location, duration and type of anchorage;
- B. The type and capacity of vessels permitted anchorage;
- C. The systems and precautions necessary for safety on each vessel;
- D. The training, number and availability of crew members aboard each vessel;
- E. A requirement for contingency plans in the event of accident, fire, storm or other unforeseen acts;
- F. The protection of the natural environment, aesthetic and recreational uses of State waters; and
- G. The protection of the fisheries or fishing industry of the State.

5. Exemption. The board may by regulation exempt certain activities not inconsistent with the purposes of this Act.

6. Prohibition. No person shall have a vessel at anchorage in Maine waters without a current license from the board.

7. Licenses and fees. The board shall require a license for anchorage of a vessel in Maine waters and charge a fee of 1/2¢ ←→ per deadweight ton for each (thirty) days of anchorage or part thereof. The board may license properly treated effluents and emissions regulated by this section consistent with the other environmental laws of the State of Maine.

8. Application for a license. Any person desiring to have a vessel at anchorage in Maine waters shall apply in writing to the board and provide such information as the board may require by regulation. The board shall, within 30 days of receipt of such application, issue a license or deny a license giving the reasons therefor or order a hearing thereon. Any person denied a license without a hearing may request, in writing, within 30 days after notice of denial, a hearing before the board. Such request shall set forth in detail the findings to which he objects, the basis of such objection and the nature of the relief requested. Notice of the time and place of any hearing shall be given to the applicant and the public within 10 days of the hearing.

9. Penalty. Any person having a vessel at anchorage in Maine waters without having applied for or having been granted a license as provided in this section shall be subject to penalties provided in Title 38, sections 453 and 454.

10. Board shall solicit advice. The Board of Environmental Protection shall solicit the advice of the Commissioner of Marine Resources and the Commander of the United States Coast Guard prior to adopting any regulations under this section.'

Statement of Fact

This amendment authorizes the Board of Environmental Protection to regulate the anchorage of oil tankers in Maine waters in order to prevent the dangers of pollution in those waters. At present, the board has little jurisdiction over such anchorage and the imminent plan of several tanker corporations to anchor tankers in Maine waters makes this authority necessary if the marine environment of those waters is to be protected.

Reported by the Committee on Marine Resources.

Reproduced and distributed under the direction of the Clerk of the House.  
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