

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TENTH LEGISLATURE
5

6 **Legislative Document**

No. 1777

7
8 H. P. 1787 House of Representatives, January 7, 1982
9 Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

Referred to the Committee on Marine Resources. Sent up for con-
currence and 1,600 Ordered Printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Fowlie of Rockland.

11 Cosponsors: Senator Collins of Knox, Representative Vose of
12 Eastport and Representative Drinkwater of Belfast.
13
14
15

16 STATE OF MAINE
17

18 IN THE YEAR OF OUR LORD
19 NINETEEN HUNDRED AND EIGHTY-TWO
20

21 **AN ACT to Clarify the Discharge Requirements**
22 **for the Processing of Certain Marine Resources.**
23

24 **Emergency preamble.** Whereas, Acts of the Legislature
25 do not become effective until 90 days after adjournment
26 unless enacted as emergencies; and

27 Whereas, the Maine sardine industry is an important
28 employer and producer of revenue for the State; and

29 Whereas, the wastewater discharge of a sardine plant
30 cannot, even with the best practical treatment, be brought
31 into compliance with certain state laws regarding wastewater
32 treatment and water classification; and

33 Whereas, the sardine plants in Maine may be forced to
34 close down if the present state laws regarding wastewater
35 treatment and water classification are not modified; and

1 Whereas, in the judgment of the Legislature, these
2 facts create an emergency within the meaning of the Consti-
3 tution of Maine and require the following legislation as
4 immediately necessary for the preservation of the public
5 peace, health and safety; now, therefore,

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

7 **38 MRSA §455** is enacted to read:

8 §455 Sardine plant wastewater discharge

9 1. Legislative purpose. The purpose of this section
10 is to assure that sardine plant wastewater discharge in
11 Maine is subject to treatment standards no more or less
12 stringent than those imposed by federal law.

13 2. Definition of sardine plant. "Sardine plant" means
14 any facility in the State which is engaged in processing and
15 storing herring for cooking and canning either at the facil-
16 ity or elsewhere, whether or not the final product is
17 conventionally canned sardines, fish steaks or any other
18 product consisting in whole or in part of sardines.

19 3. General prohibition. No law of the State may be
20 deemed to require a sardine plant to pretreat or treat its
21 discharge to control or remove any pollutant to a level or
22 degree more stringent than that required under any federal
23 statute, regulation or discharge license, in effect, or to
24 authorize any board or agency of the State to require the
25 more stringent pretreatment or treatment of sardine plant
26 discharge.

27 4. Administrative rules. The Board of Environmental
28 Protection of the State may adopt rules relating to the
29 pretreatment or treatment of sardine plant discharge, pro-
30 vided that any such rule promulgating a pretreatment or
31 treatment standard more stringent than would be required
32 under applicable federal statute, regulation or discharge
33 license, in effect, shall be submitted to the legislative
34 committee having jurisdiction over marine resources for
35 review, and shall take effect only upon approval by joint
36 resolution of the Legislature.

37 5. Federal preemption. Nothing in this section ex-
38 empts a sardine plant from any pretreatment or treatment
39 standard required by federal law.

1 **Emergency clause.** In view of the emergency cited in
2 the preamble, this Act shall take effect when approved.

3 Statement of Fact

4 The sardine processing industry in Maine consists of
5 some 14 plants employing a total of about 2,500 persons,
6 operating during a processing season averaging approximately
7 100 days, and generating more than \$50,000,000 in revenues
8 annually, 99% of which flows into Maine from outside
9 sources. In connection with processing, these plants dis-
10 charge wastewater containing fish oil and other materials of
11 which the sardines are composed, and which present no known
12 hazard to humans or aquatic life. In the course of the
13 sardine industry's wastewater treatment efforts, an engi-
14 neering study has determined that even with the installation
15 of the control technologies and methods which represent
16 "Best Practical Treatment" for the sardine industry, as de-
17 fined by federal law, the sardine plant discharge may not
18 comply with state water pollution and water classification
19 laws.

20 The purpose of this bill is to assure that any sardine
21 processing facility which has installed and is practicing
22 treatment acceptable under applicable federal law will not
23 be subject to prosecution under more stringent state laws
24 without prior approval of the Legislature.