

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 (After Deadline)  
3 FIRST REGULAR SESSION  
4

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5 ONE HUNDRED AND TWELFTH LEGISLATURE  
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7 Legislative Document

No. 1293

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9 H.P. 898

House of Representatives, April 10, 1985

10 Approved for introduction by a majority of the Legislative Council  
11 pursuant to Joint Rule 27.

12 Referred to the Committee on Energy and Natural Resources. Sent up  
for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Crowley of Stockton Springs.

13 Cosponsored by Senator Shute of Waldo, Representative Drinkwater of  
Belfast and Representative Swazey of Bucksport.

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14 STATE OF MAINE  
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16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-FIVE  
18

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19 AN ACT Concerning an Oil Booming Exemption  
20 for Oil Transfer Vessels in Searsport  
21 Harbor.  
22

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23 Emergency preamble. Whereas, Acts of the Legis-  
24 lature do not become effective until 90 days after  
25 adjournment unless enacted as emergencies; and

26 Whereas, the Department of Environmental Protec-  
27 tion granted an exemption or waiver of the oil boom-  
28 ing requirements, Oil Discharge Prevention and Pollu-  
29 tion Control Regulation 612.1, for the Penobscot Riv-  
30 er Oil Pollution Abatement Committee (PROPAC) member  
31 terminals in Searsport in 1974; and

32 Whereas, the impracticability of booming in  
33 Searsport Harbor remains as true today as it was back  
34 in 1974; and

1           Whereas, since 1974, the booming requirement  
2 waiver or exemption has not resulted in any signifi-  
3 cant damage to the environment in Searsport Harbor;  
4 and

5           Whereas, the Penobscot River Oil Pollution Abate-  
6 ment Committee member terminals in Searsport have de-  
7 veloped a workable, efficient and effective system  
8 for dealing with oil spills if and when they occur;  
9 and

10           Whereas, by Department of Environmental Protec-  
11 tion Board order dated August 22, 1984, the oil boom-  
12 ing waiver or exemption will be revoked effective May  
13 1, 1985; and

14           Whereas, the revoking of the oil booming waiver  
15 or exemption will create a serious danger for those  
16 responsible for complying with oil booming regulation  
17 612.1 in Searsport Harbor; and

18           Whereas, the revoking of the oil booming waiver  
19 or exemption will have a substantial negative econom-  
20 ic effect on those terminals doing business in  
21 Searsport Harbor; and

22           Whereas, in the judgment of the Legislature,  
23 these facts create an emergency within the meaning of  
24 the Constitution of Maine and require the following  
25 legislation as immediately necessary for the preser-  
26 vation of the public peace, health and safety; now,  
27 therefore,

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

30           38 MRSA §543-A is enacted to read:

31           §543-A. Searsport Harbor booming exemption

32           Nothing in this subchapter or the rules of the  
33 Department of Environmental Protection promulgated  
34 pursuant to this subchapter may be construed so as to  
35 require the booming of oil transfer vessels in  
36 Searsport Harbor.

