

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

Legislative Document

No. 183

S.P. 98

Received by the Secretary, January 24, 1991

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BRANNIGAN of Cumberland.  
Cosponsored by Representative KONTOS of Windham.

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### STATE OF MAINE

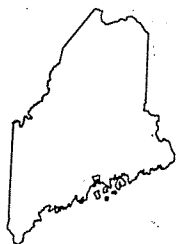
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

**An Act to Ensure Proper Disposal of Waste at Marinas.**

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

2  
4 Sec. 1. 10 MRSA §1023-H is enacted to read:

6 §1023-H. Marina Pump-out Facility Loan Fund

8 1. Creation. The Marine Pump-out Facility Loan Fund,  
referred to in this section as the "fund," is created under the  
jurisdiction and control of the authority.

10 2. Sources of money. The fund consists of the following:

12 A. All money appropriated or allocated for inclusion in the  
14 fund;

16 B. Subject to any pledge, contract or other obligation, all  
18 interest, dividends or other pecuniary gains from investment  
of money from the fund;

20 C. Subject to any pledge, contract or other obligation, any  
22 money that the authority receives in repayment of advances  
from the fund; and

24 D. Any other money available to the authority and directed  
26 by the authority to be paid into the fund.

28 3. Application of fund. Money in the fund may be used for  
direct loans to finance all or part of the initial installation  
of any marina pump-out facility when the authority determines  
30 that:

32 A. The installation is required under Title 38, section  
34 423-B;

36 B. There is a reasonable likelihood that the applicant will  
be able to repay the loan; and

38 C. The amount and terms of the loan are reasonable to  
40 provide an incentive to the applicant to undertake the  
project, which may include a below-market interest rate.

42 The authority, pursuant to Title 5, chapter 375, subchapter II,  
shall adopt rules for determining eligibility, feasibility,  
44 terms, conditions and security for the loans. Money in the fund  
not needed currently to meet the obligations of the authority as  
46 provided in this section may be invested as permitted by law.

48 4. Accounts within fund. The authority may divide the fund  
into separate accounts as it determines necessary or convenient  
50 for carrying out this section, including, but not limited to,  
accounts reserved for direct loan funds.

2        5. Revolving fund. The fund is a nonlapsing, revolving  
3        fund. All money in the fund must be continuously applied by the  
4        authority to carry out this section.

6        6. Termination. A new loan may not be made from this fund  
7        after January 1, 1995.

8        Sec. 2. 38 MRSA §423-B, as enacted by PL 1989, c. 433, §2, is  
9        amended to read:

10        **§423-B. Watercraft sewage pump-out facilities at marinas**

12        ~~By June 1, 1990~~ January 1, 1992, marinas serving ~~coastal~~  
14        ~~waters~~ shall provide, or provide through contractual agreements,  
15        facilities to remove sanitary waste from the holding tanks of  
16        watercraft. For purposes of this section, the term "marina"  
17        means any commercial facility that provides supplies and services  
18        ~~and has the capacity to provide for watercraft, including slip~~  
19        ~~space or mooring for 18 or more vessels which exceed 24 feet in~~  
20        ~~length and moorings.~~ length and moorings.

22  
23        **STATEMENT OF FACT**

26        This bill requires all marinas that provide slip space and  
27        moorings to watercraft to provide pump-out facilities for  
28        disposal of sewage. This bill also establishes the Marina  
29        Pump-out Facility Loan Fund to assist marinas in meeting the  
30        requirements of this bill.