

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 299, L.D. 420, Bill, "An Act Concerning Overboard Discharge Inspection Fees"

Amend the bill in section 1 in the first 3 lines (page 1, lines 3 to 5 in L.D.) by striking out all of the amending clause and inserting in its place the following:

~~Sec. 1. 38 MRSA §414, sub-§3-A, as repealed and replaced by PL 1991, c. 66, Pt. A, §6, is repealed and the following enacted in its place:~~

Further amend the bill by striking out all of section 2 and inserting in its place the following:

~~Sec. 2. 38 MRSA §414, sub-§3-B is enacted to read:~~

3-B. Waiver of inspection; reduced fees. Upon receipt of an annual assessment under subsection 3-A, a license holder may apply to the department for a waiver of the requirement of subsection 3-A. With the request for a waiver of the assessment, the license holder must file a copy of a private maintenance contract for the licensed overboard discharge, in effect for the assessment period, that provides for inspection of the discharge at least as frequently as required in subsection 3-A. The commissioner shall grant a waiver of the requirements of subsection 3-A with the following conditions:

A. The license holder shall file a copy of the results of each inspection with the department within 30 days after each inspection; and

B. The license holder shall pay an annual waiver fee of \$30.

A license holder who is granted a waiver under this subsection and does not comply with the conditions of the waiver is required to pay the entire assessment under subsection 3-A for that year.

2 In addition, the commissioner may not grant a waiver for the next
4 year to that license holder. The commissioner may revoke the
6 license as provided in the Maine Administrative Procedure Act if
8 a license holder is granted a waiver but does not comply with the
10 conditions of the waiver and does not pay the assessment.
12 Failure to pay the annual waiver fee or the assessment under
14 subsection 3-A is a civil violation.

16 On or before January 1, 1993 the commissioner shall report to the
18 joint standing committee of the Legislature having jurisdiction
20 over natural resource matters on the number of waivers granted
22 and the compliance record of licensed overboard discharges
24 operating under waivers in comparison with the compliance record
26 of other licensed overboard discharges. The commissioner shall
28 also report on the adequacy of the annual waiver fee to support
30 the department's efforts to monitor the compliance of licensed
32 overboard discharges that receive waivers under this subsection.

34 **Sec. 3. Allocation.** The following funds are allocated from the
36 ~~Maine Environmental Protection Fund~~ to carry out the purposes of
38 this Act.

	1991-92	1992-93
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Maine Environmental Protection Fund		
All Other	(\$36,540)	(\$36,540)
Provides for the deallocation of general operating funds due to a reduction in dedicated revenue.		

FISCAL NOTE

	1991-92	1992-93
APPROPRIATIONS/ALLOCATIONS		
Other Funds	(36,540)	(36,540)
REVENUES		
Other Funds	(36,540)	(36,540)

48 This legislation allows overboard discharge licensees to
50 waive state inspection and fees if they enter an ongoing
maintenance contract. The reduction in inspection fees will

2 decrease dedicated revenue to the Department of Environmental
Protection by \$63,000 annually. However, the annual waiver fee
4 of \$30 will increase dedicated revenue to the department by
\$26,460 annually. The net effect of the waiver process will be a
6 loss of dedicated revenue of \$36,540 annually beginning in Fiscal
Year 1991-92. This net reduction will require a corresponding
8 reduction of allocations from the Maine Environmental Protection
Fund. The workload of the department will also decrease
10 proportionally as a result of the waiver process. Costs
associated with the reporting requirements to the Legislature
12 will be absorbed by the Department of Environmental Protection
utilizing existing budgeted resources.

14 The additional work load and administrative costs associated
with a minimal number of additional cases filed in the court
16 system as a result of the civil violation will be absorbed within
the budgeted resources of the Judicial Department.'

18
20 **STATEMENT OF FACT**

22 This amendment includes an annual \$30 waiver fee to cover
the administrative costs of the waiver provision and clarifies
24 the enforcement provisions governing compliance with the
conditions of a waiver. The amendment also directs the
26 Commissioner of Environmental Protection to report to the
Legislature on the compliance record of "waivered" overboard
28 discharges and all other licensed overboard discharges. The
amendment adds an allocation section and a fiscal note.
30

Reported by the Committee on Energy and Natural Resources
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House
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