

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

---

Legislative Document

No. 420

H.P. 299

House of Representatives, February 7, 1991

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative KILKELLY of Wiscasset.

Cosponsored by Representative JACQUES of Waterville, Representative LORD of Waterboro and Senator ESTES of York.

---

STATE OF MAINE

---

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

---

An Act Concerning Overboard Discharge Inspection Fees.

---



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

2  
4       **Sec. 1. 38 MRSA §414, sub-§3-A**, as repealed and replaced by PL 1989, c. 807, and as amended by PL 1989, c. 890, Pt. B, §29, is repealed and the following enacted in its place:

6       **3-A. Inspection of overboard discharges.** Except as  
8 provided in subsection 3-B the department shall inspect all  
10 licensed overboard discharges. At least twice each calendar  
12 year, the department shall inspect all licensed overboard  
14 discharges operated on a year-round basis. At least once each  
16 calendar year, the department shall inspect all licensed  
18 overboard discharges operated no more than 6 months of a calendar  
year. The department shall assess the costs of inspection as an  
annual license fee payable by the license holder based on the  
adjusted gross income of the license holder under the federal  
Internal Revenue Code of 1986, as amended, according to the  
following schedule:

20       **A. For residential overboard discharges:**

22       (1) License holders with an adjusted gross income  
equal to or greater than \$30,000 annually - \$100;

24       (2) License holders with an adjusted gross income  
26 equal to or greater than \$15,000 and less than \$30,000  
annually - \$75;

28       (3) License holders with an adjusted gross income  
30 equal to or greater than \$7,500 and less than \$15,000  
annually - \$50; and

32       (4) License holders with an adjusted gross income less  
34 than \$7,500 - no fee; and

36       **B. For commercial overboard discharge license holders at  
all income levels - \$100.**

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

40       **3-B. Waiver of inspection; fees.** Upon receipt of an  
42 assessment under subsection 3-A, a license holder may apply to  
44 the department for a waiver of the requirement of subsection  
3-A. The commissioner shall grant a waiver of the requirements  
of subsection 3-A for each year of a license in which:

46       **A.** The license holder has a private maintenance contract in  
48 effect for the period for which the assessment is made that  
provides for inspection of overboard discharges at least as  
50 frequently as required in subsection 3-A;

2 B. The license holder files a copy of that contract with  
3 the department within 14 days after receipt of the  
4 assessment; and

5 C. The license holder files a copy of the results of each  
6 inspection with the department within 30 days after each  
7 inspection.

8  
9 A license holder who does not file as provided in paragraph B or  
10 C is not entitled to a waiver and is required to pay the  
11 assessment under subsection 3-A. In addition, the commissioner  
12 may not grant a waiver for the next year to a license holder who  
13 was granted a waiver for the current year, but failed to file as  
14 provided in paragraph C. If a license holder is granted a  
15 waiver, but does not file as provided in paragraph C and does not  
16 pay the assessment, the license may be revoked as provided in the  
17 Maine Administrative Procedure Act.

18  
19  
20 **STATEMENT OF FACT**

21 This bill allows people with overboard discharge licenses to  
22 waive state inspection and inspection fees if they have entered  
23 into an ongoing maintenance contract that includes inspection.  
24 Copies of these contracts and the results of inspections must be  
25 filed with the Department of Environmental Protection.  
26

27 This bill also corrects a conflict created last session when  
28 Public Law 890 made changes to the Maine Revised Statutes, Title  
29 38, section 414, subsection 3-A and Public Law 807 enacted a new  
30 subsection 3-A. The subsection 3-A contained in this bill  
31 reflects the substance of Public Law 807.  
32