

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

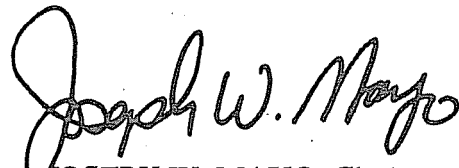
No. 1270

H.P. 941

House of Representatives, April 15, 1993

**An Act to Amend the State Contribution to Pollution Abatement and
Overboard Discharge Replacement Laws.**

Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative ANDERSON of Woodland.
Cosponsored by Representative: COLES of Harpswell.

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

2
4 **Sec. 1. 38 MRSA §411, first ¶**, as amended by PL 1991, c. 824, Pt. A, §83, is further amended to read:

6 The commissioner may pay an amount not to exceed 80% of the
8 expense of a municipal or quasi-municipal pollution abatement
10 construction program or a pollution abatement construction
12 program in an unorganized township or plantation authorized by
14 the county commissioners. The commissioner may make payments to
16 the Maine Municipal Bond Bank to supply the State's share of the
18 revolving loan fund established by Title 30-A, section 6006-A.
20 The commissioner may pay up to 90% of the expense of a municipal
22 or quasi-municipal pollution abatement construction program or a
24 pollution abatement construction program in an unorganized
26 township or plantation authorized by the county commissioners in
28 which the construction cost of the project does not exceed
30 \$100,000 as long as total expenditures for the small projects do
32 not exceed \$1,000,000 in any fiscal year and not more than one
34 grant is made to any applicant each year, except that the
36 commissioner may pay up to 50% of the expense of individual
38 projects serving commercial establishments or up to 25% of the
40 expense of individual projects serving seasonal dwellings. An
 applicant who is the owner of a single-family dwelling or
 commercial establishment served by a pollution abatement
 construction program under this paragraph is not eligible for a
 grant if: for a single-family dwelling, the sum of the adjusted
 gross income of all ~~persons listed on the deed of record~~ the
 owners exceeded \$30,000 in the previous taxable year; or for a
 commercial establishment, the gross profit earnings exceeded
 \$30,000 in the previous taxable year. To determine eligibility,
 the commissioner may require an applicant to submit a copy of the
 ~~deed of record and a copy of the~~ relevant federal income tax
 return of the owner or owners. In addition to any penalty
 adjudged under section 349, a person who knowingly makes any
 false statement, representation or certification in the
 application for a grant under this paragraph and who receives
 such a grant shall, upon conviction, make restitution to the
 department in an amount equal to the amount of the grant plus
 interest and reasonable recovery cost incurred by the department.

42 **Sec. 2. 38 MRSA §411-A, sub-§2**, as affected by PL 1989, c.
44 890, Pt. A, §40, and amended by Pt. B, §25, is further amended to
 read:

46 **2. Cost-share.** The commissioner shall determine the
48 portion of project expenses eligible for grants under this
 section as follows.

50 A. The commissioner shall pay 90% of the costs of a project
52 that results in the removal of a year-round residential
 overboard discharge.

2 B. The commissioner shall pay 50% of the costs of a project
4 that results in the removal of a commercial overboard
discharge.

6 C. The commissioner shall pay 25% of the costs of a project
8 that results in the removal of a seasonal residential
overboard discharge.

10 For the purposes of this section and section 414-A, seasonal
12 "year-round residential overboard discharge" means an overboard
14 discharge from a human habitation occupied for ~~less~~ more than 6
months in any calendar year and is the legal residence of the
owner for federal and state income tax purposes.

16 **Sec. 3. 38 MRSA §414-A, sub-§1-B, ¶B,** as affected by PL 1989,
18 c. 890, Pt. A, §40 and amended by Pt. B, §30, is further amended
to read:

20 B. For the purposes of this subsection, the department may
22 not require the installation or use of wastewater holding
tanks as a "technologically proven alternative method of
wastewater disposal" except in the following cases:

24 (1) Seasonal residential overboard discharges that are
26 located on the mainland or on any island connected to
the mainland by vehicle bridge or by scheduled car
28 ferry service; and

30 (2) All overboard discharges located within the
32 boundaries of a sanitary or sewer district when the
district has agreed to service and maintain the holding
34 tank at an annual fee that does not exceed those fees
charged to other similar users of the district's
36 services who are physically connected to the sewers of
the district; and

38 (3) All overboard discharges located within the
40 municipality when the municipality has agreed to
42 service and maintain the holding tank at an annual fee
that does not exceed those fees charged to other
44 similar users of the municipality's services who are
46 physically connected to the sewers of the municipality.

STATEMENT OF FACT

48 This bill broadens the ownership language for single family
50 dwellings under the Small Community Grants Program. Currently,

2 the law uses the adjusted gross income of all persons listed on
the deed of record. This bill broadens the ownership to include
4 spouses by using the word "owners" to replace the term "persons
listed on the deed of record." In addition, the bill amends the
6 language regarding commercial establishments by deleting the word
"earnings." This change makes it consistent with the wording in
the federal income tax return forms.

8
10 This bill also clarifies the Legislature's intent under the
overboard discharge replacement program that the level of state
12 funding is less for the replacement of seasonal residential
discharges than for the replacement of year-round residential
14 discharges. Currently, the law defines a seasonal overboard
discharge as an overboard discharge from a human habitation
occupied for less than 6 months in any calendar year.

16
18 Finally, the bill clarifies the overboard discharge
relicensing law by adding language to include municipalities that
20 provide the same sewerage services as sanitary and sewer
districts to the provisions requiring the installation or use of
wastewater holding tanks.