

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 1462

S.P. 470

In Senate, May 6, 1993

**An Act to Facilitate Oil Spill Cleanup Operations.**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CONLEY of Cumberland.

Cosponsored by Senators: BRANNIGAN of Cumberland, LAWRENCE of York, SUMMERS of Cumberland, Representatives: JACQUES of Waterville, MARSH of West Gardiner.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
6           Whereas, unless this legislation is enacted as an emergency  
measure, the provisions of the Maine Revised Statutes, Title 38,  
sections 413 and 543 will apply to mechanical oil skimming  
8 operations, thereby possibly hampering recovery efforts in the  
event of an oil spill; and

10           Whereas, in the judgment of the Legislature, these facts  
12 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
14 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

18           **Sec. 1. 38 MRSA §413, sub-§2-G is enacted to read:**

20           2-G. Exemption; oil discharge response. A person may not  
22 be considered in violation of this section for discharges made in  
compliance with the instructions of the commissioner or the  
24 commissioner's designee when such discharges are undertaken to  
minimize overall environmental damage due to an oil spill into or  
26 on state waters.

28           **Sec. 2. 38 MRSA §543, 2nd ¶,** as affected by PL 1989, c. 890,  
Pt. A, §40 and amended by Pt. B, §108, is further amended to read:

30           Notwithstanding the prohibition of this section, upon the  
32 authorization of the commissioner or the commissioner's designee,  
responders may discharge in connection with activities related to  
34 the recovery of spilled oil, when such discharges are undertaken  
to minimize overall environmental damage due to an oil spill into  
36 or on state waters, and the department may license the discharge  
of waste, refuse or effluent, including natural drainage  
38 contaminated by oil into or upon any coastal waters if, and only  
if, it finds that such discharge will be receiving the best  
40 available treatment and that such discharge will not degrade  
existing water quality nor perceptibly violate the classification  
42 of the receiving waters, nor create any visible sheen upon the  
receiving waters.

44           **Emergency clause.** In view of the emergency cited in the  
46 preamble, this Act takes effect when approved.

## STATEMENT OF FACT

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4        This bill establishes that discharges of oil associated with  
oil spill clean-up operations are exempt from the state waste  
discharge license and oil discharge prohibition laws when such  
6 discharges occur at the instruction of the Commissioner of  
Environmental Protection or the commissioner's designee.