

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)



2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

DATE: 3/21/2000

(Filing No. S-567)

NATURAL RESOURCES

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 924, L.D. 2375, Bill, "An Act to Rid Maine's Waters of Ocean Vessel Sewage"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

PART A

Sec. A-1. Determination and plan regarding state marine sanitation device pump-out station needs and extent of no-discharge zone. The Department of Environmental Protection shall:

- 1. Review the number and location of all operational pump-out stations and waste reception facilities at public and private marinas and other boating access facilities within the coastal zone of the State;
- 2. Apply for grant money under the federal Clean Vessel Act of 1992, 106 Stat. 5086-5091 to construct, renovate, operate and maintain pump-out facilities and to conduct a program to educate vessel owners and operators about the problems caused by the discharge of sanitary waste from vessels;
- 3. Develop a plan for the construction, renovation or maintenance of pump-out facilities that are necessary to ensure that such facilities are adequate to meet the needs of watercraft using the coastal waters of the State and submit a report on the plan no later than January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over natural resources matters;

COMMITTEE AMENDMENT "A" to S.P. 924, L.D. 2375

4. Develop a program to educate vessel owners and operators about the problem of sanitary waste discharges from vessels and inform them of the location of pump-out facilities;

5. No later than January 15, 2004, report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the status of implementing the plan developed pursuant to subsection 3, the adequacy of facilities for the safe and sanitary removal of sanitary waste from watercraft using significant harbors and bays in the State and plans for enforcement of no-discharge zones in the State;

6. No later than January 15, 2005, apply to the United States Environmental Protection Agency for designation of up to 50 significant harbors or bays in the territorial waters of the State, as identified by the Commissioner of Environmental Protection, as "no-discharge zones" pursuant to 33 United States Code, Section 1322. In identifying significant harbors and bays, the commissioner shall give priority to areas that are potentially commercially significant shellfish harvesting resources and areas that have significant boat traffic; and

7. No later than January 15, 2005, report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the feasibility of implementing a no-discharge zone for all the territorial waters of the State.

PART B

Sec. B-1. 38 MRSA §423-B, as enacted by PL 1989, c. 433, §2, is repealed and the following enacted in its place:

§423-B. Watercraft sanitary waste pump-out facilities at marinas

1. Definitions. For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Marina" means a facility that provides supplies or services and has the capacity to provide any combination of slip space or mooring for 18 or more vessels that exceed 24 feet in length.

B. "Pump-out facility" means a facility that pumps or receives sanitary wastes out of marine sanitation devices that are specifically designed to receive, retain and discharge sanitary wastes and that are installed on board watercraft. "Pump-out facility" includes a stationary

2 pump-out station, a portable marine toilet dump station and
3 a mobile pump-out vessel.

4 2. Pump-out facilities required. A marina serving coastal
5 waters shall provide a pump-out facility or provide through a
6 written contractual agreement approved by the commissioner a
7 facility to remove sanitary waste from the holding tanks of
8 watercraft.

10 3. Exception. A marina is not required to meet the
11 requirements in subsection 2 until a grant for the construction
12 or renovation of a pump-out facility or the initial cost of a
13 contractual agreement is offered to that marina pursuant to
14 subsection 4.

16 4. Cost share. Subject to the availability of funds, the
17 commissioner shall award grants using a combination of federal
18 and state funds for the costs of constructing, renovating,
19 operating and maintaining pump-out facilities and providing
20 facilities through contractual agreements according to the
21 following schedule:

22 A. The commissioner shall pay 90% of these costs incurred by
23 municipal marinas; and

24 B. The commissioner shall pay up to 75% of these costs
25 incurred by marinas other than municipal marinas.

26 When awarding grants, the commissioner shall give priority to a
27 pump-out facility over a contractual agreement and shall give
28 priority to a pump-out facility that the Commissioner of Marine
29 Resources certifies is likely to result in the opening of a
30 shellfish harvesting area that is closed under Title 12, section
31 6172.'

32 Further amend the bill by inserting at the end before the
33 summary the following:

34
35
36
37
38
39
40 **FISCAL NOTE**

41 The Department of Environmental Protection has already
42 budgeted adequate funds for the Clean Vessel Act Program to
43 accomplish specific requirements pertaining to marine
44 sanitation. The department will incur some minor additional
45 costs to comply with certain planning and reporting requirements
46 pertaining to the clean-up of ocean vessel sewage. These costs
47 can be absorbed within the department's existing budgeted
48 resources.

2 The additional workload and administrative costs associated
4 with the minimal number of new cases filed in the court system
6 can be absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
General Fund revenue by minor amounts.'

8
SUMMARY

10
12 This amendment replaces the bill. The amendment requires
14 the Department of Environmental Protection to review the
16 availability of pump-out stations at marinas, to apply for
18 federal grant money and to develop a plan for the construction,
20 renovation and maintenance of pump-out facilities necessary to
22 meet the needs of watercraft using the coastal waters of the
State. It requires the department to submit a report on the plan
to the joint standing committee of the Legislature having
jurisdiction over natural resources matters by January 15, 2001
and to submit a report on the status of implementing the plan and
plans for enforcement of no-discharge zones by January 15, 2004.

24 The amendment requires the department to educate vessel
26 owners and operators about the problem of sanitary waste
28 discharges from vessels and to inform them of the locations of
30 pump-out facilities. It requires the department to apply to the
32 United States Environmental Protection Agency by January 15, 2005
34 for designation of the first 50 significant harbors or bays in
the territorial waters of the State, as identified by the
Commissioner of Environmental Protection, as no-discharge zones
and to report to the joint standing committee of the Legislature
having jurisdiction over natural resources matters by January 15,
2005 on the feasibility of implementing a no-discharge zone for
all of the territorial waters of the State.

36 The amendment expands to noncommercial marinas the
38 requirement in current law for a marina to provide a pump-out
40 facility or, through a contractual agreement, a facility to
42 remove sanitary waste from the holding tanks of watercraft. It
44 requires the Commissioner of Environmental Protection to award
46 grants for the costs of pump-out facilities and contractual
agreements using state and federal funds. The commissioner shall
pay 90% of the costs at municipal marinas and up to 75% of the
costs at other marinas. The amendment specifies that marinas are
not required to meet the requirement to provide a pump-out
facility until a grant is issued to that marina.

48 The amendment adds a fiscal note to the bill.