

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2375

S.P. 924

In Senate, January 12, 2000

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### **An Act to Rid Maine's Waters of Ocean Vessel Sewage.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on 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 NUTTING of Androscoggin.  
Cosponsored by Representative COWGER of Hallowell and  
Senators: LONGLEY of Waldo, TREAT of Kennebec, Representatives: DAIGLE of Arundel,  
DUPLESSIE of Westbrook, MARTIN of Eagle Lake, TOBIN of Windham.

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

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PART A

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6 **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:

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10 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  
12 coastal zone of the State;

14 2. Apply for grant money under the federal Clean Vessel Act  
of 1992, 106 Stat. 5086-5091 to construct and renovate pump-out  
16 stations and waste reception facilities and to conduct a program  
to educate recreational boaters about the problems caused by the  
18 discharge by vessels of human body wastes.

20 3. Develop a plan for the construction or renovation of  
pump-out stations and waste reception facilities that are  
22 necessary to ensure that such facilities are adequate to meet the  
needs of watercraft using the coastal waters of the State;

24

26 4. Develop a program to educate recreational boaters about  
the problem of human body waste discharges from watercraft and  
inform them of the location of pump-out stations and human waste  
28 reception facilities;

30 5. No later than January 15, 2003, report to the joint  
standing committee of the Legislature having jurisdiction over  
32 natural resources matters on the plan developed pursuant to  
subsection 2 for the construction or renovation of pump-out  
34 stations and waste reception facilities; and

36 6. No later than January 15, 2005, apply to the Federal  
Government for designation of the first 3 coastal miles of the  
38 State as a "no discharge zone" pursuant to 33 United States Code,  
Section 1322.

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PART B

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44 **Sec. B-1. 38 MRSA §423, last ¶**, as amended by PL 1989, c. 502,  
Pt. B, §49, is further amended to read:

46 Any watercraft, as defined in Title 12, section 7791,  
subsection 14, including houseboats, operated upon the inland  
48 waters or beginning July 15, 2005 upon the coastal waters of this  
State and having a permanently installed sanitary waste disposal  
50 system shall must have permanently affixed to the

interior discharge opening of such sanitary waste disposal system  
a holding tank or suitable container for holding sanitary waste  
material so as to prevent its discharge or drainage into the  
inland waters or beginning July 15, 2005 into the coastal waters  
of the State.

**Sec. B-2. 38 MRSA §423-B**, as enacted by PL 1989, c. 433, §2,  
is amended to read:

**§423-B. Watercraft sewage pump-out facilities at marinas**

By June 1, 1990, marinas serving coastal waters shall  
provide or provide through contractual agreements facilities to  
remove sanitary waste from the holding tanks of watercraft. For  
purposes of this section, the term "marina" means any commercial  
facility that provides supplies and services and has the capacity  
to provide slip space or mooring for 18 or more vessels which  
exceed 24 feet in length. This section is repealed July 15, 2005.

**Sec. B-3. 38 MRSA §423-D** is enacted to read:

**§423-D. Marina construction; pump-out facilities**

1. Definitions. As used in this section, unless the  
context otherwise indicates, the following terms have the  
following meanings.

A. "Pump-out station" means a facility that pumps or  
receives human body wastes out of type III marine sanitation  
devices installed on board watercraft.

B. "Type I marine sanitation device" means a marine toilet  
that, under prescribed test conditions, will produce an  
effluent that does not exceed a fecal coliform bacteria  
count of 1,000 parts per 100 milliliters and has no visible  
solids.

C. "Type II marine sanitation device" means a marine toilet  
that, under prescribed test conditions, will produce an  
effluent that does not exceed a fecal coliform bacteria  
count of 200 parts per 100 milliliters and has suspended  
solids not greater than 150 milligrams per liter.

D. "Type III marine sanitation device" means any equipment  
for installation on board a watercraft that is specifically  
designed to receive, retain and discharge human body wastes.

E. "Waste reception facility" means a facility  
specifically designed to receive wastes from portable

2 toilets carried on watercraft but does not include  
3 lavatories.

4 2. Requirement. Beginning August 1, 2000, any expansion of  
5 an existing public or private marina and any new construction of  
6 a public or private marina must include an operational pump-out  
7 station and waste reception facility.

8 3. Allowable discharge via marine toilets. Beginning July  
9 15, 2005, a person may not discharge any sewage from a boat into  
10 the waters of the State unless the sewage is discharged via a  
11 marine toilet that is either a type I marine sanitation device or  
12 a type II marine sanitation device in proper working condition.

13 4. Discharge prohibited. Beginning July 15, 2005,  
14 notwithstanding subsection 2, a person may not discharge any  
15 sewage from a boat into the waters of the State in an area that  
16 has been declared to be a no discharge zone.

17 5. Proper marine toilets. Beginning July 15, 2005, a  
18 person may not operate or moor in the waters of the State a boat  
19 that is equipped with a marine toilet that is not a type approved  
20 pursuant to the federal Clean Water Act, 33 United States Code,  
21 Section 1251, et seq., and that is not in proper working  
22 condition.

23 6. Properly sealed. Beginning July 15, 2005, a person may  
24 not operate or moor in the waters of the State in an area  
25 declared to be a no discharge zone a boat that is equipped with a  
26 marine toilet that is not properly sealed to prevent discharge of  
27 sewage into the water.

## 34 SUMMARY

35 The purpose of this bill is to rid the State's waters of  
36 ocean vessel sewage in order to protect shellfish harvest areas.  
37 This bill:

38 1. Requires that the Department of Environmental Protection  
39 review existing availability of pump-out stations, apply for  
40 federal grant money and develop a plan to ensure such facilities  
41 are adequate to meet the existing needs and develop a program to  
42 educate boaters of the importance of using such facilities;  
43

44 2. Requires that the Department of Environmental Protection  
45 apply to the Federal Government for designation of the first 3  
46 coastal miles of the State as a "no discharge" zone pursuant to  
47 33 United States Code;  
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49

2           3.    Requires that, beginning August 1, 2000, any new  
3 construction of or expansion of public or private marinas must  
4 include operational pump-out stations and waste reception  
5 facilities;

6           4.    Beginning July 15, 2005, requires that watercraft  
7 operating on coastal waters of the State that have a permanently  
8 installed sanitary waste disposal system have a holding tank or  
9 container to prevent discharge or drainage into the inland waters  
10 or coastal waters of the State; and

11           5.    Beginning July 15, 2005, regulates the discharge of  
12 sewage from boats, specifies the types of marine toilets a boat  
13 must be equipped with to operate in coastal waters and prohibits  
14 discharge of sewage from boats into waters of the State that have  
15 been declared by the Federal Government to be "no discharge"  
16 zones.  
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