

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1036

H.P. 792

House of Representatives, February 20, 2001

**An Act to Create a State Program for the Testing of Marine Dredge
Spoils and Disposal of Contaminated Spoils.**

Reference to the Committee on Marine Resources suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative QUINT of Portland.
Cosponsored by Senator RAND of Cumberland and
Representatives: DUGAY of Cherryfield, DUNLAP of Old Town, ETNIER of Harpswell,
MUSE of South Portland, Senator: TREAT of Kennebec.

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

4 **Sec. 1. 12 MRSA c. 613 is enacted to read:**

6 **CHAPTER 613**

8 **MARINE DREDGE SPOILS**

10 **§6271. Definitions**

12 As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

14 1. **Commercial activity.** "Commercial activity" means a marine-related activity conducted on a regular basis for money or other valuable remuneration. It includes but is not limited to carrying passengers or freight, harvesting, processing and selling seafood and renting moorings or dock space to boat owners.

20 2. **Marine dredge spoils.** "Marine dredge spoils" means material dredged or removed from land continually submerged below salt water or intertidal waters to assist or further a commercial activity.

24 **§6272. Testing and disposal of marine dredge spoils**

26 1. **Administration.** The department shall administer funds for the testing of marine dredge spoils and the disposal of marine dredge spoils that are special waste or hazardous waste, as defined in Title 38, section 1303-C and rules of the Department of Environmental Protection, in order to prevent further pollution and ensure proper disposal of any contaminated marine dredge spoils.

34 A. Any bonds issued by the department under this section or rules adopted under this section must be paid for out of the General Fund.

38 B. Allocation of funds from the bonds must be based upon criteria prepared by the department in cooperation with stakeholders identified by the department.

40 C. In administering these funds, the department shall provide funding for approved projects according to the order of priority established biennially by the department. Once priority is established, all projects on the list of approved projects must be funded before any new projects are added to the list.

44 D. The department shall establish guidelines to fund eligible projects in a consistent and timely manner.

2 2. Plans and specifications. Prior to issuing any funding,
3 the department shall review and approve plans and specifications
4 for the testing of marine dredge spoils and the disposal of
5 marine dredge spoils that are special or hazardous waste. The
6 review must be in accordance with guidelines for testing and
7 disposal established by the Department of Environmental
8 Protection for these materials and in accordance with the
9 guidelines established by the department.

10 3. Rulemaking. The program of testing and disposal of
11 marine dredge spoils must be administered in accordance with
12 rules adopted for that purpose by the department. Rules adopted
13 under this section are routine technical rules pursuant to Title
14 5, chapter 375, subchapter II-A.

15 **Sec. 2. Fund allocation criteria; application.** In accordance with
16 the Maine Revised Statutes, Title 12, chapter 613, the Department
17 of Marine Resources shall submit proposed legislation
18 establishing criteria for the allocation of funds under Title 12,
19 section 6272 to the Joint Standing Committee on Marine Resources
20 no later than January 31, 2002, which the committee may use to
21 report out a bill. Funding under Title 12, section 6272 may not
22 be approved by the Department of Marine Resources until the
23 effective date of the law enacting the criteria for approval.
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SUMMARY

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27 Marine dredging of harbors, channels and boat slips is
28 necessary for the continued operation of commercial marine
29 activities. Marine dredge spoils often contain contaminants that
30 classify the spoils as special or hazardous waste under state
31 law. The testing of the spoils and the proper disposal of them
32 if they are contaminated is prohibitively expensive for many
33 owners of commercial waterfront property. As a result, dredging
34 necessary to maintain or improve waterfront property that is
35 critical to a number of marine-related activities like fishing is
36 not being done. This bill creates a program under the Department
37 of Marine Resources for funding the testing of dredge spoils and
38 the proper disposal of contaminated spoils.
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