

MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1090, L.D. 1493, Bill, "An Act To Expedite the Removal of Overboard Discharge"

Amend the bill in section 6 in subsection 3 in the blocked paragraph in the first line (page 5, line 4 in L.D.) by striking out the following: "Prior" and inserting in its place the following: 'Except when it has been demonstrated within 5 years prior to a transfer that there is no technologically proven alternative to an overboard discharge, prior'

Further amend the bill by inserting after section 10 the following:

'Sec. 11. 38 MRSA §414-A, sub-§1-B, ¶B, as amended by PL 1993, c. 223, §3, is further amended to read:

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

- (1) Seasonal residential overboard discharges that are located on the mainland or on any island connected to the mainland by vehicle bridge or by scheduled car ferry service, when the elimination of the discharge alone or in conjunction with the elimination of other discharges will result in the opening of a shellfish harvesting area or the removal of a public nuisance condition;

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

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

18 Further amend the bill by inserting after section 11 the
following:

20 'Sec. 12. 38 MRSA §414-A, sub-§1-B, ¶D, as amended by PL 1997,
22 c. 794, Pt. A, §23, is repealed.'

24 Further amend the bill by relettering or renumbering any
26 nonconsecutive Part letter or section number to read
consecutively.

28 SUMMARY

30 This amendment restricts the Department of Environmental
32 Protection's authority to require the installation of holding
tanks on seasonal overboard discharges. The amendment also
34 deletes a section of law that provided for license terms prior to
the State's being delegated authority to issue permits under the
Federal Water Pollution Control Act. The amendment also provides
36 that if it has been demonstrated within the past 5 years that
there is no alternative to an overboard discharge, the parties to
38 a transfer of the property do not need to determine whether there
are any technologically proven alternatives.

FISCAL NOTE REQUIRED
(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**

LD 1493

An Act To Expedite the Removal of Overboard Discharge



LR 1863(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

No Net Fiscal Impact - Other Special Revenue Funds

Fiscal Detail and Notes

This bill amends the existing licensing and inspection fee structure for overboard discharges, resulting in an annual increase in dedicated revenue to the Maine Environmental Protection Fund. This increase will be offset by an annual decline in dedicated revenue based on an expected drop in the number of licensed facilities by roughly 100 per year. The net fiscal impact of the bill is expected to be minor and no additional allocations are needed for fiscal year 2003-04 and fiscal year 2004-05. It is anticipated that as carry-forward balances and revenues decline, and as systems are removed, the Department of Environmental Protection may need to make adjustments in fiscal year 2005-06 and fiscal year 2006-07. However, these amounts can not be determined at this time.