

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature  
1ST SPECIAL SESSION  
JANUARY 2, 1974 TO MARCH 29, 1974  
AND BY THE  
One Hundred and Seventh Legislature  
REGULAR SESSION  
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,  
SECTION 164, SUBSECTION 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
One Hundred and Seventh Legislature

1975

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## CHAPTER 578

AN ACT to Authorize the Board of Environmental Protection to Regulate the Anchorage of Vessels in Maine Waters.

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

38 MRSA § 560 is enacted to read:

§ 560. Vessels at anchorage

1. Purpose. The Legislature intends by the enactment of this section to exercise the police power of the State through the Board of Environmental Protection by conferring upon said board the exclusive power to deal with the hazards and threats of danger and damage posed by the anchorage of oil carrying vessels in the waters of the State. The purpose of regulations adopted by the board shall be to protect the coastal waters, tidal flats, beaches and lands adjoining the waters of the State from damage by the intentional or accidental discharge of oil, other pollutants as defined in Title 38, section 361-A or air contaminants as defined in Title 38, section 582 or explosion from the accumulation of gases aboard such vessels and to prohibit interference with the harvesting of marine resources, aesthetic and recreational uses of such waters.

2. Definitions.

A. Anchorage. As used in this section, the word "anchorage" means the mooring for a period of definite or indefinite duration of a vessel designed or used to carry oil, which is not waiting for a scheduled loading or unloading of cargo in Maine waters, but shall not include the mooring of a vessel for bunkering, maintenance, repair or overhaul, or in connection with or as a part of sea trials.

3. Board to adopt regulations. The Board of Environmental Protection shall, within 90 days after the effective date of this Act, adopt regulations limiting or, to the extent the board determines necessary, prohibiting the anchorage in Maine coastal waters, estuaries or rivers under the jurisdiction of the State of Maine vessels designed or used to carry oil as cargo. All regulations adopted by the Board of Environmental Protection under this section shall not apply to vessels at anchorage prior to July 1, 1975.

4. Scope of regulations. In adopting these regulations, in addition to other provisions of this subchapter, the board's consideration shall include, but not be limited to:

A. The location, duration and type of anchorage;

B. The type and capacity of vessels permitted anchorage;

C. The systems and precautions necessary for safety on each vessel;

D. The training, number and availability of crew members aboard each vessel;

E. A requirement for contingency plans in the event of accident, fire, storm or other unforeseen acts;

F. The protection of the natural environment, aesthetic and recreational uses of State waters; and

G. The protection of the fisheries or fishing industry of the State.

5. Exemption. The board may by regulation exempt certain activities not inconsistent with the purposes of this Act.

6. Prohibition. No person shall have a vessel at anchorage in Maine waters for more than 7 days without a current license from the board.

7. Licenses and fees. The board shall require a license for anchorage of a vessel in Maine waters and charge a fee of  $\frac{1}{2}\text{¢}$  per deadweight ton for each 30 days of anchorage or part thereof. The board may license properly treated effluents and emissions regulated by this section consistent with the other environmental laws of the State of Maine.

8. Application for a license. Any person desiring to have a vessel at anchorage in Maine waters shall apply in writing to the board and, shall cause public notice of the application and a brief summary to be published in a paper of general circulation in the vicinity of the proposed activity and provide such information as the board may require by regulation. The board shall, within 30 days of receipt of such application, issue a license or deny a license giving the reasons therefor or order a hearing thereon. Any person denied a license without a hearing may request, in writing, within 30 days after notice of denial, a hearing before the board. Such request shall set forth in detail the findings to which he objects, the basis of such objection and the nature of the relief requested. Notice of the time and place of any hearing shall be given to the applicant and the public within 10 days of the hearing.

9. Penalty. Any person having a vessel at anchorage in Maine waters without having applied for or having been granted a license as provided in this section shall be subject to penalties provided in Title 38, sections 453 and 454.

10. Board shall solicit advice. The Board of Environmental Protection shall solicit the advice of the Commissioner of Marine Resources and the Commander of the United States Coast Guard prior to adopting any regulations under this section.

Effective October 1, 1975

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## CHAPTER 579

### AN ACT to Reorganize the Department of Public Safety.

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

Whereas, the Department of Public Safety has been a department of State Government for a sufficient time to evaluate the strengths and weaknesses of its operation; and

Whereas, legitimate questions have been raised concerning the organization of the department and the operation of its bureaus and agencies; and