

May 17, 2007

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 564 - *Dorchester and Talbot Counties - Unattended Marine Vessel Motor Fuel Retail Service Stations at Marinas—Pilot Program*.

This bill requires the State Fire Prevention Commission to establish a pilot program allowing the continuous operation of an unattended marine vessel motor fuel retail service station at marinas in Dorchester and Talbot counties. The pilot must be developed in conjunction with the Clean Marina Initiative of the Department of Natural Resources (DNR). The Commission may adopt any regulations necessary to implement the pilot program. The regulations must be consistent with any provisions or regulations governing the continuous operation of an unattended motor vehicle retail service station.

We recognize that the law currently allows for unattended land-based retail service stations for motor vehicles. However, fuel spills directly into the water are more difficult to access, contain, mitigate and recover from than fuel spills on land. A fuel spill directly into the open water at any marina must be immediately reported to the Department of Environment and the United States Coast Guard. The Department of Environment's Emergency Response Division and Oil Control Division responds to numerous spills at unattended land-based service stations each year. Permitting unattended marina fuel dispensing systems to operate increases the opportunity for a spill to go unnoticed or unreported, or for a fuel spill report to be delayed until the Chesapeake Bay, one of its prime recreational and sport boating and fishing areas, or one of its many commercial fisheries is significantly damaged. Although I believe there certainly are safety measures that could be put into place to minimize the likelihood of a spill, it is this last factor—the grave consequences that could result to the Bay or its fisheries from a delayed response to a spill—that compels me to veto this bill.

The bill also technically is deficient in that it does not specify an end date for the pilot program.

For the above reasons, I have vetoed House Bill 564.

Sincerely,

The Honorable Michael E. Busch
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Martin O'Malley
Governor