

MAINE STATE LEGISLATURE

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H. of S.

L.D. 1833

DATE: 3-3-04

(Filing No. H-131)

NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1358, L.D. 1833, Bill, "An Act To Amend Water Quality Laws To Aid in Wild Atlantic Salmon Restoration"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 38 MRSA §465, sub-§1, ¶C, as amended by PL 1999, c. 243, §8, is repealed and the following enacted in its place:

C. Except as provided in this paragraph, there may be no direct discharge of pollutants to Class AA waters.

(1) Storm water discharges that are in compliance with state and local requirements are allowed.

(2) A discharge to Class AA waters that are or once were populated by a distinct population segment of Atlantic salmon as determined pursuant to the United States Endangered Species Act of 1973, Public Law 93-205, as amended, is allowed if, in addition to satisfying all the requirements of this article, the applicant, prior to issuance of a discharge license, objectively demonstrates to the department's satisfaction that the discharge is necessary, that there are no other reasonable alternatives available and that the discharged effluent is for the purpose of

COMMITTEE AMENDMENT "A" to H.P. 1358, L.D. 1833

2 and will assist in the restoration of Atlantic salmon
3 and will return the waters to a state that is closer to
4 historically natural chemical quality.

6 (a) The department may issue no more than a total
7 of 3 discharge licenses pursuant to this
8 subparagraph and subsection 2, paragraph C,
9 subparagraph (2).

10 (b) A discharge license issued pursuant to this
11 subparagraph may not be effective for more than 5
12 years from the date of issuance.

14 Sec. 2. 38 MRSA §465, sub-§2, ¶C, as amended by PL 2003, c.
15 318, §3, is further amended to read:

16 C. ~~Direct~~ Except as provided in this paragraph, direct
17 discharges to these waters licensed after January 1, 1986,
18 are permitted only if, in addition to satisfying all the
19 requirements of this article, the discharged effluent will
20 be equal to or better than the existing water quality of the
21 receiving waters. Prior to issuing a discharge license, the
22 department shall require the applicant to objectively
23 demonstrate to the department's satisfaction that the
24 discharge is necessary and that there are no other
25 reasonable alternatives available. Discharges into waters
26 of this classification licensed prior to January 1, 1986,
27 are allowed to continue only until practical alternatives
28 exist. ~~This paragraph does not apply to the discharge of~~
29 ~~storm water.~~

32 (1) This paragraph does not apply to a discharge of
33 storm water that is in compliance with state and local
34 requirements.

36 (2) This paragraph does not apply to a discharge to
37 Class A waters that are or once were populated by a
38 distinct population segment of Atlantic salmon as
39 determined pursuant to the United States Endangered
40 Species Act of 1973, Public Law 93-205, as amended, if,
41 in addition to satisfying all the requirements of this
42 article, the applicant, prior to issuance of a
43 discharge license, objectively demonstrates to the
44 department's satisfaction that the discharge is
45 necessary, that there are no other reasonable
46 alternatives available and that the discharged effluent
47 is for the purpose of and will assist in the
48 restoration of Atlantic salmon and will return the
49 waters to a state that is closer to historically
50 natural chemical quality.

R. of S.

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(a) The department may issue no more than a total of 3 discharge licenses pursuant to this subparagraph and subsection 1, paragraph C, subparagraph (2).

(b) A discharge license issued pursuant to this subparagraph may not be effective for more than 5 years from the date of issuance.

Sec. 3. Reporting. The Atlantic Salmon Commission shall inform the joint standing committee of the Legislature having jurisdiction over natural resources matters when a license is issued pursuant to the Maine Revised Statutes, Title 38, section 465, subsection 1, paragraph C, subparagraph (2) or Title 38, section 465, subsection 2, paragraph C, subparagraph (2) and shall report on the status of Atlantic salmon restoration in connection with those licenses. The commission shall provide updates concerning the progress of the Atlantic salmon restoration every 2 years thereafter.'

SUMMARY

This amendment clarifies the exception proposed in the bill for discharges intended to improve the habitat of Atlantic salmon. The amendment allows discharges to Class AA and Class A waters if the waters are or once were populated by a distinct population segment of Atlantic salmon as determined pursuant to the federal Endangered Species Act. Under the amendment, only 3 discharge licenses may be issued and the licenses may not be effective for more than 5 years from the date of issuance. The amendment also requires the Atlantic Salmon Commission to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters concerning the discharge licenses and the status of Atlantic salmon restoration in connection with those licenses.

FISCAL NOTE REQUIRED
(See attached)

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



LD 1833

**An Act To Amend Water Quality Laws To Aid in Wild Atlantic Salmon
Restoration**

LR 2686(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Minor revenue increase - Other Special Revenue Funds