

# MAINE STATE LEGISLATURE

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MINORITY

L.D. 229

Date: 4-6-09

(Filing No. S- 34 )

NATURAL RESOURCES

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 79, L.D. 229, Bill, "An Act To Promote Clean Waters in the State"

Amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

Amend the bill by inserting at the end before the summary the following:

'Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Land and Water Quality 0248

Initiative: Provides an allocation for compliance with the federal Clean Water Act to support a limited-period full-time position from July 1, 2010 to December 31, 2012.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
Personal Services	\$0	\$90,675
All Other	\$0	\$8,009
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$98,684

COMMITTEE AMENDMENT

R of S.

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**SUMMARY**

The amendment adds a mandate preamble and an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

(See attached)



# 124th MAINE LEGISLATURE

LD 229

LR 250(02)

## An Act To Promote Clean Waters in the State

Fiscal Note for Bill as Amended by Committee Amendment "A"  
 Committee: Natural Resources  
 Fiscal Note Required: Yes

### Fiscal Note

State Mandate - Exempted

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$98,684	\$100,563	\$51,241
<b>Revenue</b>				
Other Special Revenue Funds	\$0	\$99,267	\$196,524	\$196,524
<b>Transfers</b>				
Other Special Revenue Funds	\$0	\$0	\$0	\$0

### State Mandates

#### Required Activity

Requiring a municipality or public utility to implement a procedure, which may include creating a master plan and associated engineering designs, to cease discharge of untreated sewage, may be a mandate under the Constitution of Maine.

#### Unit Affected

Public Utility  
Municipality

#### Local Cost

Significant  
statewide

Pursuant to inclusion of the mandate preamble, a 2/3 vote of each House exempts the State from the requirement that it fund 90% of the cost of the mandated activities.

### Fiscal Detail and Notes

This bill prohibits the Department of Environmental Protection (DEP) from issuing a license to discharge untreated sewage to any water of the State beginning January 1, 2013. Any Combined Sewer Overflow (CSO) municipality must meet the new deadline or lose state-municipal revenue sharing funds. In order for the DEP to provide the anticipated intensive assistance needed by the local units of government to comply with the deadline a limited period full time position and associated costs will be required. It is anticipated that municipalities or public utilities will borrow funds to finance the sewage treatment upgrades from the State Revolving Fund. The DEP receives a fee of 3.5% of the annual debt service related to those loans. The DEP will transfer funds for certain indirect costs from the program to DEP's administrative account. Any additional costs to the Office of the State Treasurer associated with the Clean Water Act can be absorbed within existing budgeted resources.