

MAINE STATE LEGISLATURE

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D. OF R.

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L.D. 2107

(Filing No. S- 408)

STATE OF MAINE
SENATE
112TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT " C " to H.P. 1495, L.D. 2107,
Bill, "AN ACT to Clarify the Application of Water
Quality Standards to Hydroelectric Projects."

Amend the Bill in section 1 in that part design-
ated "§363-C." in the first paragraph in the 4th
line (page 1, line 30 in L.D.) by striking out the
underlined word "commissioner" and inserting in its
place the following: "board"

Further amend the Bill by striking out all of
sections 2, 3 and 4 and inserting in their place the
following:

'Sec. 2. 38 MRSA §634, sub-§1, as enacted by PL
1983, c. 458, §18, is repealed and the following en-
acted in its place:

1. Coordinated permit review. Permits required
under the following laws shall not be required by any
state agency for projects reviewed or exempted from
review under this subarticle: Land use regulation
laws, Title 12, sections 681 to 689; stream altera-
tion laws, Title 12, sections 7776 to 7780; great
ponds laws, sections 391 to 394; alteration of coast-
al wetlands laws, sections 471 to 478; and site loca-
tion of development laws, sections 481 to 490. Not-
withstanding section 654, the board may attach rea-
sonable conditions consistent with this Act concern-
ing the operation of hydropower projects. The board
shall give written notice to the Commissioner of In-
land Fisheries and Wildlife and the Commissioner of
Marine Resources of the intent of any applicant for a
permit to construct a dam.

No application may be approved under this subarticle

D. OF R.

SENATE AMENDMENT " C " to H.P. 1495, L.D. 2107

1 without a finding by the board that the project meets
2 the requirements of state law for the issuance of a
3 water quality certificate pursuant to the United
4 States Water Pollution Control Act, Section 401. The
5 board shall make its findings relating to consistency
6 of the application with applicable water quality laws
7 as part of its proceedings and findings pursuant to
8 section 636.

9 STATEMENT OF FACT

10 This amendment clarifies the relationship between
11 the Maine Waterway Development and Conservation Act
12 and Maine's water quality laws by tying the 2 laws
13 together, thus making it clear that water quality
14 standards must be met before a hydropower permit is
15 issued. This amendment also removes the
16 retroactivity provision from the bill.

17 6822031186

18 (Sen. Baldacci)
19 SPONSORED BY: *[Signature]*
20 COUNTY: Penobscot

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