

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 287

H.P. 207

House of Representatives, February 21, 1989

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative RYDELL of Brunswick.

Cosponsored by Senator CAHILL of Sagadahoc, Senator HOLLOWAY of Lincoln and Representative MITCHELL of Freeport.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Enhance the Natural Fish Die-off Clean-up Program.



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

5 **Whereas,** the current funding of \$10,000 is insufficient to
7 adequately fund the Natural Fish Die-off Clean-up Program; and

9 **Whereas,** more adequate and certain funding needs to be
 available to municipalities; and

11 **Whereas,** failure to provide this funding prior to the 1989
13 tourist season will result in the inability of affected
 municipalities to act swiftly to clean up natural fish die-offs;
15 and

17 **Whereas,** this failure will create a noxious nuisance in
19 coastal tourist areas resulting in decreased tourist activity and
 irreparable economic hardship to those areas which rely on
 tourist trade; and

21 **Whereas,** in the judgment of the Legislature, these facts
23 create an emergency within the meaning of the Constitution of
25 Maine and require the following legislation as immediately
 necessary for the preservation of the public peace, health and
 safety; now, therefore,

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

29 **Sec. 1. 12 MRSA §6132,** as amended by PL 1987, c. 459, is
31 further amended to read:

33 **§6132. Natural Fish Die-off Clean-up Program**

35 Upon the request of any affected municipality, the
37 Department of Marine Resources shall assess the extent and
39 severity of public nuisance and potential threats to public
41 health posed by natural fish die-offs. The department shall
 provide technical advice and, ~~subject to the limits of available~~
 ~~funding, financial assistance~~ to the affected municipalities in
 the conduct of any cleanup or other mitigating measures.

43 The department shall maintain a nonlapsing fund of \$50,000
45 to provide financial assistance to the affected municipalities
47 for cleanup or other mitigating measures. Each affected
49 municipality shall submit a statement of its expenses to the
51 department. The department shall annually reimburse the
 municipalities for those expenses to the extent that funds are
 available. Reimbursement shall be on a pro rata basis if the
 combined expenses of all municipalities requesting reimbursement
 during the annual period exceed the total in the fund.

1 **Sec. 2. Appropriation.** The following funds are appropriated
from the General Fund to carry out the purposes of this Act.

3

1989-90

1990-91

5

**MARINE RESOURCES,
DEPARTMENT OF**

7

**Marine Development,
Bureau of**

9

11

All Other

\$50,000

\$50,000

13

15

17

19

21

Provides additional funds for
clean-up grants to
municipalities affected by
natural fish die-offs. These
funds shall not lapse but
shall carry forward for the
purposes identified.

23

Emergency clause. In view of the emergency cited in the
preamble, this Act shall take effect when approved.

25

STATEMENT OF FACT

27

29

31

This bill establishes a \$50,000 nonlapsing fund to reimburse
municipalities for clean-up expenses of natural die-offs of
fish. If the clean-up expenses exceed \$50,000 in any one year,
the municipalities will share in a pro rata reimbursement from
that fund.