

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 883

H.P. 649

House of Representatives, March 22, 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 MICHAUD of East Millinocket.

Cosponsored by Representative JACQUES of Waterville, Representative McGOWAN of Canaan and Senator PEARSON of Penobscot.

STATE OF MAINE

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

An Act to Ensure that the Department of Environmental Protection
Receives Adequate Technical Assistance from Natural Resource Review
Agencies.



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

3 **Sec. 1. 12 MRSA §6022-A, sub-§10**, as enacted by PL 1977, c.
5 661, §5, is amended to read:

7 **10. Ecological impact.** The commissioner shall advise the
9 United States Army Corps of Engineers, the Maine Department of
11 Transportation, the Department of Environmental Protection and
13 appropriate state agencies on the ecological effects of dredging,
15 filling and depositing of soil or otherwise altering coastal
17 wetlands, whether these actions will affect adversely estuarine
or marine fisheries and what mitigation or compensatory measures
are available. The commissioner shall also recommend to these
agencies whether dredging, filling or otherwise altering coastal
wetlands is permitted under current state and federal wetland
rules and regulations.

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

21 **1989-90** **1990-91**

23 **CONSERVATION, DEPARTMENT OF**

25 **Maine Geological Survey**

27	Positions	(1)	(1)
28	Personal Services	\$40,000	\$40,000
29	All Other	30,000	30,000

31 Provides funds for a marine
32 geologist position. In
33 addition, this Act provides
34 funds for technical
35 assistance, information,
36 education, coastal geological
37 and hazard mapping, nearshore
38 mapping and resource
39 assessment.

41	DEPARTMENT OF CONSERVATION		
42	TOTAL	\$70,000	\$70,000

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STATEMENT OF FACT

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49 In the permitting processes for coastal wetland alteration
50 projects and other marine-related activities, the Department of
51 Environmental Protection relies heavily upon the project review
by the Department of Marine Resources, since it possesses the

1 expertise necessary to assess the impact of proposed projects
2 upon the marine environment. The current laws do not, however,
3 give the Commissioner of Marine Resources the authority to
4 recommend Department of Environmental Protection action or to
5 suggest methods of mitigation or compensation. These laws only
6 give the authority to advise the Department of Environmental
7 Protection on the ecological effects of wetland alterations. As
8 a result, Department of Marine Resources project reviews are
9 incomplete. Because the Department of Environmental Protection
10 does not have all of the information it needs in issuing wetlands
11 alteration permits, the marine environment is at risk. This bill
12 gives the Commissioner of Marine Resources the authority needed
13 to assist in reviewing wetlands alteration projects.

15 In addition, this bill funds a permanent marine geologist
16 position within the Department of Conservation, Maine Geological
17 Survey. Over the past 2 years, the State Planning Office has
18 funded this position on a short-term basis with money from the
19 National Oceanic and Atmosphere Association, but this funding
20 source is not reliable and is not intended for this purpose.

21 The marine geologist position is essential to the integrity
22 of our environmental permitting system which relates to
23 activities in the coastal zone. The long-term research and
24 planning as well as the short-term application review carried out
25 by this position ensures that coastal sand dune and estuarine
26 resources are not degraded.
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