

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1955

H.P. 1407

House of Representatives, December 15, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 15, 1989. Referred to the Committee on Energy and Natural Resources and 1600 ordered printed pursuant to Joint Rule 14.

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

EDWIN H. PERT, Clerk

Presented by Representative ROLDE of York.

Cosponsored by Senator ESTES of York and Representative LAWRENCE of Kittery.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Regulate the Dumping of Dredged Materials in Maine Waters.

(EMERGENCY)



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

4
Whereas, the unregulated disposal of dredged materials may
6 occur before the expiration of the 90-day period; and

8
Whereas, without the protections provided by this
legislation, the disposal of dredged materials may cause severe
10 environmental damage; and

12
Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
14 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
16 safety; now, therefore,

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

20 **Sec. 1. 38 MRSA §413, sub-§2-C, as enacted by PL 1983, c. 566,**
§17, is amended to read:

22
2-C. **Dredge spoils.** Holders of a permit obtained pursuant
24 to the United States Clean Water Act, Public Law 92-500, Section
404, are exempt from the need to obtain a waste discharge license
26 for disposal of dredged material into waters of the State when
the dredged material is disposed of in an approved United States
28 Army Corps of Engineers disposal site. Disposal of all dredged
materials is governed by section 413-A.

30
Sec. 2. 38 MRSA §413-A is enacted to read:

32
§413-A. Disposal of dredged materials

34
1. Prohibition. A person may not dispose of dredged
36 materials into waters of the State unless:

38 A. The Department of Environmental Protection has tested
40 the dredged materials at least 6 months prior to the
disposal and authorizes the disposal;

42 B. The Department of Marine Resources has approved the
44 disposal site; and

46 C. The route by which the dredged materials is transported
48 over the waters of the State to the disposal site has been
approved pursuant to subsection 2.

50 **2. Transportation route approval.** Notice of the route by
which the dredged materials is transported to the disposal site
must be published in a newspaper of general circulation in the
52 area along the proposed route at least 60 days

2 before the disposal and a public hearing must be held in the
3 municipality in which the disposal site is located. The route
4 must be approved by representatives from a statewide organization
5 that represents the lobster industry and any potentially affected
6 person engaged in lobstering.

7 3. Rules. The Department of Environmental Protection may
8 promulgate rules, in accordance with the Maine Administrative
9 Procedure Act, Title 5, chapter 375, to carry out this section.

10 4. Penalties. For purposes of section 349, this section is
11 administered by the Department of Environmental Protection.

12 **Emergency clause.** In view of the emergency cited in the
13 preamble, this Act shall take effect when approved.
14
15

16 17 18 19 20 21 22 23 24 25 26 27 28 STATEMENT OF FACT

29 This bill prohibits the dumping of dredged materials, often
30 called dredge spoils, in any Maine waters unless the Department
31 of Environmental Protection has tested the spoils, the Department
32 of Marine Resources has authorized the site and the route to
33 transport the spoils to the site is approved by representatives
34 of the lobster industry. Since the provisions of this bill would
35 be administered by the Department of Environmental Protection,
36 the penalties set out in the Maine Revised Statutes, Title 38,
37 section 349 apply to any violators.
38