

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1438, L.D. 2008, Bill, "An Act to Amend the Watershed District Laws"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Establish Coastal Watershed Districts'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 38 MRSA c. 23-A is enacted to read:

CHAPTER 23-A

COASTAL WATERSHED DISTRICTS

§2021. Coastal watershed districts

1. Authorization; purpose. Coastal watershed districts may be created pursuant to this chapter to protect, restore and maintain water quality and aquatic resources of coastal harbors, bays, estuaries and other coastal waters and to manage and conserve the land and water resources of coastal watersheds within the jurisdictions of these districts.

2. Administration. The coastal watershed district is governed according to the requirements of chapter 23 except that:

A. The purposes are those stated in this section;

B. Section 2007 does not apply;

C. The term coastal watershed district is used in place of the terms watershed district and lake watershed district in chapter 23; and

D. The trustees shall include a representative of any sanitary districts, as defined in chapter 11, and any sewer districts, as defined in chapter 12, that operate within the proposed coastal watershed district.

2 3. Overlap of territory with watershed district. If a
4 watershed district has been established within the proposed
6 territory of a coastal watershed district, the coastal watershed
8 district shall submit as part of an application under section
10 2002, an agreement with the watershed district stating how this
12 overlap of jurisdiction is to be resolved.

14 **§2022. Powers**

16 A coastal watershed district has the following powers.

18 1. General. Any district organized under this chapter may
20 sue and be sued; make contracts; accept gifts; purchase, lease,
22 devise or otherwise acquire, hold or dispose of real or personal
24 property; disburse money; contract debt; adopt rules; and do
26 other acts necessary to carry out the purposes of the district.

28 2. Security required. The coastal watershed district may
30 require that a contracting party give adequate security to ensure
32 performance of the contract and to pay all damages that may arise
34 from inadequate performance.

36 3. Responsibilities. The coastal watershed district is
38 responsible for:

40 A. Initiating and coordinating research and surveys to
42 gather data on coastal harbors, bays, estuaries and other
44 coastal waters, related shorelands, watersheds and aquatic
46 resources within the territory of the district;

48 B. Planning coastal restoration projects to improve water
50 quality and enhance aquatic resources within the district;

C. Contacting and attempting to secure the cooperation of
municipal officials and state agencies to enact and enforce
ordinances and regulations necessary to further the purposes
of the district;

D. Adopting and implementing coastal protection, management
and restoration plans; and

E. Adopting and implementing plans and programs to
facilitate coordination of water level management.

4. Limits of jurisdiction. The limits on jurisdiction are
as follows:

A. The district has no authority to set a water level
regime for a body of water impounded by a dam that is

2 exempt from the authority of the board to set water level
3 regimes under section 840, subsection 1, .

4 B. The district's authority to set a water level regime for
5 any water body within its boundaries and over any dams
6 within its boundaries is subordinate to the authority of the
7 department under chapter 5, subchapter 1, article 1,
8 subarticle 1-B and article 3-A.

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

12

1990-91

14 **ENVIRONMENTAL PROTECTION,**
15 **DEPARTMENT OF**

16

17 **Water Quality Control**

18

All Other \$1,000

20

21 Provides funds for anticipated
22 public hearing costs.

24

FISCAL NOTE

26

27 Enactment of this legislation would require a General Fund
28 appropriation to the Department of Environmental Protection
29 (Water Quality Control, Acct.#01530.4) in the amount of \$1,000
30 for fiscal year 1990-91. This appropriation would provide funds
31 for anticipated public hearing costs associated with setting up
32 coastal watershed districts. The above mentioned costs are based
33 on one public hearing per year and all staff time expenses will
34 be absorbed by the Department of Environmental Protection
35 utilizing existing resources.'

36

STATEMENT OF FACT

38

39 This amendment changes the original bill to remove language
40 on the administration of the coastal watershed district.
41 Instead, all administrative matters for coastal watershed
42 districts will be handled pursuant to the Maine Revised Statutes,
43 Title 38, chapter 23; which details the administration of
44 watershed districts. Additional trustees, representing sanitary
45 and sewer districts, also are allowed.

46

47 The amendment also requires a coastal watershed district to
48 resolve any jurisdictional problems with existing watershed
49 districts prior to formation.

50

COMMITTEE AMENDMENT "A" to H.P. 1438, L.D. 2008

2 The scope of coastal watershed districts is expanded in this
amendment to include bays and other coastal waters. This
4 amendment also removes a provision for giving these districts
authority for coordinating surface water use in deference to the
role of harbor masters.

6
8 Finally, this amendment adds a fiscal note to cover public
hearing expenses.

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the
House
2/1/90 (Filing No. H-751)