

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

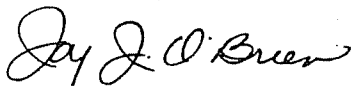
No. 2276

S.P. 894

In Senate, February 2, 1990

Submitted by the Department of Transportation pursuant to Joint Rule 24.

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.


JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator COLLINS of Aroostook.

Cosponsored by Representative JACQUES of Waterville, Representative MILLS of Bethel and Representative STROUT of Corinth.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Amend the Natural Resources Protection Act.

(EMERGENCY)



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

Whereas, under current law, public improvements undertaken by the Department of Transportation require prior review and approval by the Board of Environmental Protection; and

Whereas, the review process is lengthy and duplicative; and

Whereas, severely limited funds and resources need to be used more efficiently to serve the public interest; and

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

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

Sec. 1. 38 MRSA §480-Q, sub-§9, as amended by PL 1989, c. 306, §2 and c. 430, §8, is further amended to read:

9. Public works. ~~A permit is not required for emergency~~ Emergency repair or normal maintenance and repair of existing public works which affect any protected natural resource. An activity which is exempt under this subsection shall must employ erosion control measures to prevent sedimentation of any surface water, shall may not block fish passage in any water course and shall may not result in any additional intrusion of the public works into the protected natural resource. This exemption does not apply to any activity on an outstanding river segment as listed in section 480-P; and

Sec. 2. 38 MRSA §480-Q, sub-§11 is enacted to read:

11. Transportation improvements. Maintenance, repair and reconstruction of public improvements under the direction and supervision of the Department of Transportation, provided that the department develops standards to ensure that such work is performed in a manner consistent with the purpose of this section.

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

STATEMENT OF FACT

The purpose of this bill is to avoid lengthy and duplicative review processes by the Department of Transportation and the Board of Environmental Protection, while at the same time

achieving the purposes of the natural resource protection laws.
2 This bill exempts maintenance, repair and reconstruction of
public improvements directed and supervised by the Department of
4 Transportation from review by the Board of Environmental
Protection, as long as the department develops standards
6 governing the performance of such work.