

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1185

S.P. 441

In Senate, March 21, 1991

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

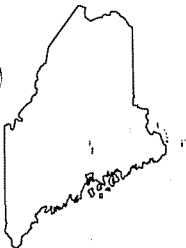
Presented by Senator ESTES of York

Cosponsored by Representative CARLETON of Wells, Representative FARNUM of South Berwick and Senator SUMMERS of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Relating to Navigation Dredge Maintenance Projects.



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

2
38 MRSA §480-U is enacted to read:

4
5 §480-U. Municipal and federal navigation dredge maintenance
6 projects

7 Maintenance dredgings of coastal municipal or federal
8 navigation dredging projects approved prior to the effective date
9 of this section by the Federal Government is regulated
10 exclusively by this section regardless of other provisions of
11 this article or any other law.

12
13 1. One-year notice. An applicant shall notify the
14 commissioner of a proposed maintenance dredging within one year
15 of its scheduled undertaking.

16
17 2. Limited intrusion. The maintenance dredging may not
18 cause additional intrusion into the river, estuary or coastal
19 embayment other than that authorized by the Federal Government.

20
21 3. Testing. The applicant shall collect and test the
22 dredge spoils in accordance with a protocol approved by the
23 commissioner. The collection, testing and forwarding of the
24 results of the tests to the commissioner must occur within one
25 year before the submission of a notification of undertaking.

26
27 4. Impact on fishing; suitability. The applicant shall
28 demonstrate that the maintenance dredging, transportation and
29 disposal of dredge material minimizes adverse impact on the
30 fishing industry and that the disposal site is geologically
31 suitable.

32
33 5. Publication of transportation route. The applicant
34 shall publish notice of the proposed route by which the dredged
35 materials will be transported to the disposal site in a newspaper
36 of general circulation in the areas adjacent to the proposed
37 route.

38
39 6. Notice to municipalities. Notification must be
40 submitted to each municipality adjacent to any proposed marine
41 and estuarine disposal site and route.

42
43
44
45 **STATEMENT OF FACT**

46
47 This bill provides for exclusive regulation of maintenance
48 dredgings of coastal municipal or federal navigation dredging
49 projects approved by the Federal Government prior to the
50 effective date of the bill.