

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 876, L.D. 2237, Bill, "An Act to Implement a Comprehensive Ambient Toxics Monitoring Program"

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. 12 MRSA §7771, sub-§5 is enacted to read:

5. Permits allowing the use of gill nets by other state agencies. Notwithstanding the provisions of section 7621, the department may authorize the use of gill nets by other state agencies for purposes of scientific research or public safety projects. The authority granted to the department under this subsection is subject to the following constraints.

A. Any authorization by the department for another state agency to utilize gill nets must be given through written permit.

B. Both ends of the gill net must be marked with buoys that are clearly visible from a distance of 300 feet and that identify the state agency responsible for setting the net.

C. The results of each netting must be forwarded on a weekly basis to the Department of Inland Fisheries and Wildlife, where the records are available for public inspection.

**Sec. 2. Findings.** The discharge of pollutants from certain point and nonpoint sources into Maine waters introduces certain toxic substances, as defined in the Maine Revised Statutes, Title 38, section 420, into the environment. The fate and impact of these substances is not well understood. The Legislature finds that:

**COMMITTEE AMENDMENT**

H. of S.

COMMITTEE AMENDMENT "A" to S.P. 876, L.D. 2237

2 A. The State should have a scientifically valid water toxics  
3 program to monitor for the presence of toxic substances in  
4 the ambient environment of all surface waters of the State.  
5 This program should take into consideration but be distinct  
6 from testing performed on the effluent from individual  
7 discharges;

8 B. Such a scientifically valid program should allow for the  
9 testing of tissue, sediment and the water column for  
10 priority pollutants and other suspected toxics and include  
11 biomonitoring;

12 C. The Department of Environmental Protection, other state,  
13 local and federal agencies, and private entities have  
14 collected and analyzed fish and shellfish tissue, sediment  
15 and ambient water samples for toxic substances in Maine  
16 lakes, rivers, estuaries and coastal waters. In addition,  
17 biomonitoring has been conducted on rivers and streams in  
18 the State;

19 D. Only limited compilation and systematic cataloging of  
20 existing data or data collection efforts have been performed  
21 in order to evaluate the adequacy of current data collection  
22 efforts and to identify gaps in the State's knowledge of the  
23 fate and significance of toxic substances in the aquatic and  
24 marine environment; and

25 E. Except for the existing dioxin program, the State  
26 currently has no formal program to monitor toxic substances  
27 in the ambient aquatic environment.

32 **Sec. 3. Data collection; evaluation and program design.** The  
33 Commissioner of Environmental Protection shall submit a written  
34 report to the joint standing committee of the Legislature having  
35 jurisdiction over energy and natural resource matters on or  
36 before January 15, 1993. The report must include:

37 A. A listing of current data collection efforts in the area  
38 of ambient water toxics monitoring;

39 B. The level and sources of funding for these efforts;

40 C. A summary of the results of these collection efforts  
41 that, in the commissioner's professional judgment,  
42 represents objective, verifiable and scientifically valid  
43 data;

44 D. The commissioner's findings on whether existing data and  
45 data collection efforts constitute a scientifically valid  
46 water toxics monitoring program; and  
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2 E. If a water toxics monitoring program is not currently in  
4 place, the commissioner's recommendations on the appropriate  
6 design and necessary components of a monitoring program to  
8 fill existing gaps in data and to provide for ongoing data  
10 collection. A plan for this program must be developed that  
12 includes identification and prioritization of water bodies  
to be monitored based on known and suspected sources,  
identification of toxic substances to be monitored,  
description of methods to be used, a monitoring schedule and  
development of reporting and review requirements. The  
commissioner shall identify the level of funding required  
for the program and propose a strategy to fund the program.

14 **Sec. 4. Public participation.** In all of the activities required  
16 under section 3 of this Act including the development and review  
18 of findings and recommendations, the commissioner shall consult  
20 with an advisory group convened and selected by the commissioner  
22 from representatives of the regulated community, including  
industry, small businesses and municipalities; public interest  
groups, including environmental and public health organizations;  
the commercial fishing industry; recreational fishing groups; and  
the general public.

24 **FISCAL NOTE**

26 Costs associated with submitting a report to the Joint  
28 Standing Committee on Energy and Natural Resources on or before  
January 15, 1993 can be absorbed by the Department of  
Environmental Protection utilizing existing budgeted resources.

30 Costs associated with authorizing the use of gill nets by  
32 other state agencies can be absorbed by the Department of Inland  
34 Fisheries and Wildlife utilizing existing budgeted resources.'

36 **STATEMENT OF FACT**

38 The amendment authorizes the Department of Inland Fisheries  
40 and Wildlife to permit other state agencies to take fish with  
gill nets for scientific purposes.

42 The amendment also requires the Commissioner of  
44 Environmental Protection to assess existing data and data  
46 collection efforts by the State to monitor the fate and  
48 significance of toxic substances in the freshwater, estuarine and  
marine environment and, if necessary, to recommend to the  
Legislature a state monitoring program for the collection of any  
additional data.

50 The amendment adds a fiscal note to the bill.  
Reported by Senator Ludwig for the Committee on Energy and  
Natural Resources. Reproduced and Distributed Pursuant to  
Senate Rule 12.