

MAINE STATE LEGISLATURE

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90
R. of S.

L.D. 1170

(Filing No. H- 317)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 861, L.D. 1170, Bill, "An Act Regarding the Department of Environmental Protection Rulemaking"

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 §342, sub§9-A is enacted to read:

9-A. Report; consultation. The commissioner shall submit to the joint standing committee of the Legislature having jurisdiction over natural resource matters a report based on available information that identifies proposed rulemakings listed in the department's regulatory agenda that, in the commissioner's best judgment, are substantively inconsistent with the current legal standards and criteria administered by the federal Environmental Protection Agency or the federal Army Corps of Engineers. The commissioner shall submit this report prior to 100 days after adjournment of each regular session of the Legislature.

During the month of January, the committee shall meet with the commissioner and the chair of the board to discuss the report submitted under this subsection. The committee may provide opportunity for public comment during this meeting.

Upon a majority vote of the full committee, the committee may introduce a single piece of legislation to clarify, as it determines necessary, the department's statutory authority with regard to the inconsistencies identified under this subsection. This legislation must be referred to the committee, which shall hold a public hearing prior to making its final report.

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 861, L.D. 1170

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

	1993-94	1994-95
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Administration- Environmental Protection		
Positions	(1.0)	(1.0)
Personal Services	\$31,099	\$41,465
All Other	2,250	3,000
Capital Expenditures	2,800	
Provides for the appropriation of funds to establish one Environmental Specialist IV position and general operating costs to produce an annual report on inconsistencies between proposed Department of Environmental Protection rules and certain federal rules.		
DEPARTMENT OF ENVIRONMENTAL PROTECTION		
TOTAL	\$36,149	\$44,465

FISCAL NOTE

	1993-94	1994-95
APPROPRIATIONS/ALLOCATIONS		
General Fund	\$36,149	\$44,465

The Department of Environmental Protection will require additional General Fund appropriations of \$36,149 and \$44,465 in fiscal years 1993-94 and 1994-95, respectively, for an additional Environmental Specialist IV position and general operating costs to prepare an annual report to the Legislature dealing with significant inconsistencies between proposed Department of Environmental Protection rules and certain federal rules.'

STATEMENT OF FACT

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This amendment replaces the original bill. The amendment requires the Commissioner of Environmental Protection to report annually to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters on those portions of the proposed regulatory agenda of the Department of Environmental Protection that, in the commissioner's judgment, are inconsistent with federal environmental law. The committee is directed to consult with the Commissioner of Environmental Protection and the Chair of the Board of Environmental Protection. The committee is authorized to introduce legislation by majority vote of the full committee to recommend any changes in the department's statutory authority that it finds necessary.

This amendment also adds an appropriation and a fiscal note.

Reported by the Committee on Energy and Natural Resources
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House
5/17/93 (Filing No. H-317)