

# MAINE STATE LEGISLATURE

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R.O.S.

L.D. 1259

(Filing No. H- 412 )

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

COMMITTEE AMENDMENT "A" to H.P. 936, L.D. 1259, Bill, "An Act to Amend the Natural Resources Protection Laws"

Amend the bill by inserting after the title and before the enacting clause the following:

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

**Whereas,** the Department of Environmental Protection has on file dredge spoils test results; and

**Whereas,** this Act eliminates the requirement that an applicant wait one year after filing the results of these tests before an applicant may apply for a dredge spoils permit; and

**Whereas,** applicants will be able to apply for a permit immediately; 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, '

Further amend the bill by inserting after section 2 the following:

'Sec. 3. 38 MRSA §480-E, sub-§3, ¶A, as enacted by PL 1989, c. 656, §4, is amended to read:

**COMMITTEE AMENDMENT**

2 A. The applicant has collected and tested the dredge spoils  
3 in accordance with a protocol approved by the commissioner.  
4 ~~The collection, testing and forwarding of the results of the~~  
5 ~~tests to the commissioner must occur within one year before~~  
6 ~~the submission of a completed application.'~~

8 Further amend the bill in section 5 by striking out all of  
9 subsection 13 and inserting in its place the following:

10 '13. Subsurface wastewater disposal systems. Installation,  
11 removal or repair of a subsurface wastewater disposal system, as  
12 long as the system complies with all requirements of the  
13 subsurface wastewater disposal rules adopted by the Department of  
14 Human Services under Title 22, section 42, subsection 3.'

16 Further amend the bill by adding after section 5 the  
17 following:

18 **'Sec. 6. Effective date.** Section 6 of this Act takes effect on  
19 March 1, 1994.

21 **Emergency clause.** In view of the emergency cited in the  
22 preamble, this Act takes effect when approved.'

24 Further amend the bill by renumbering the sections to read  
25 consecutively.

27 Further amend the bill by inserting at the end before the  
28 statement of fact the following:

30 **FISCAL NOTE**

32

	1993-94	1994-95
<b>REVENUES</b>		
Other Funds	(\$1,500)	(\$5,000)

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38 The exemption of certain septic systems from permitting  
39 requirements will reduce the permit fee collections. The  
40 estimated reductions of dedicated revenues are \$1,500 and \$5,000  
41 in fiscal years 1993-94 and 1994-95, respectively.

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44 The Department of Environmental Protection will incur some  
45 minor additional costs to enforce new provisions of the natural  
46 resources protection laws. These costs can be absorbed within  
47 the department's existing budgeted resources.'

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**STATEMENT OF FACT**

6 This amendment strikes a provision that requires applicants  
8 for a dredge spoils permit to file dredge spoils test results  
with the Commissioner of Environmental Protection within one year  
before the submission of a permit application.

10 The amendment also clarifies that subsurface wastewater  
12 disposal systems are exempt from permitting requirements under  
the natural resources protection laws if those systems comply  
14 with the State's subsurface wastewater disposal rules adopted by  
the Department of Human Services.

16 The amendment also delays the effective date of that  
18 exemption in order to allow the Department of Human Services  
sufficient time to adopt subsurface wastewater disposal rules  
20 that are consistent with the minimum requirements of the natural  
resources protection laws.

22 The amendment also adds an emergency preamble, an emergency  
24 clause and a fiscal note to the bill.

Reported by the Committee on Energy and Natural Resources  
Reproduced and distributed under the direction of the Clerk of the  
House  
5/24/93 (Filing No. H-412)