

# MAINE STATE LEGISLATURE

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MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 595, L.D. 786, Bill, "An Act to Increase the Department of Marine Resources' Involvement in Dredge Permitting"

Amend the bill by striking out all of sections 1 to 4 and inserting in their place the following:

'Sec. 1. 38 MRSA §480-D, sub-§9, as enacted by PL 1989, c. 656, §3, is amended to read:

9. Dredging. If the proposed activity involves dredging, dredge spoils disposal or transporting dredge spoils by water, the applicant shall demonstrate that the transportation route minimizes adverse impacts on the fishing industry and that the disposal site is geologically suitable. The department shall consult with the Department of Marine Resources in assessing the impacts on the fishing industry. The Commissioner of Marine Resources shall provide the department with an assessment of the impacts on the fishing industry of a proposed dredging operation in the coastal wetlands. The assessment must consider impacts to the area to be dredged and impacts to the fishing industry of a proposed route to transport dredge spoils to an ocean disposal site. The Commissioner of Marine Resources must hold a public hearing on the proposed dredging operation within at least one of the municipalities in which the dredging operation would take place. In making its determination under this subsection, the department must take into consideration the assessment provided by the Commissioner of Marine Resources. The permit must include a requirement that require the applicant publish the approved transportation route of the dredge spoils in a newspaper of general circulation in the area adjacent to the route. to:

COMMITTEE AMENDMENT

2 A. Clearly mark or designate the dredging area, the spoils  
3 disposal route and the transportation route;

4 B. Publish in a newspaper of general circulation in the  
5 area adjacent to the route the approved transportation route  
6 of the dredge spoils; and

7 C. Publish in a newspaper of general circulation in the  
8 area adjacent to the route a procedure that the applicant  
9 will use to respond to inquiries regarding the loss of  
10 fishing gear during the dredging operation.'

11 Further amend the bill by relettering or renumbering any  
12 nonconsecutive Part letter or section number to read  
13 consecutively.

14 Further amend the bill by inserting at the end before the  
15 summary the following:

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20  
21 **FISCAL NOTE**

22 The Department of Marine Resources will incur some minor  
23 additional costs to assess certain dredging projects and to hold  
24 public hearings. These costs can be absorbed within the  
25 department's existing budgeted resources.

26 This bill may increase prosecutions for Class E crimes. If  
27 a jail sentence is imposed, the additional costs to the counties  
28 are estimated to be \$83.78 per day per prisoner. These costs are  
29 not reimbursed by the State. The number of prosecutions that may  
30 result in a jail sentence and the resulting costs to the county  
31 jail system are expected to be insignificant.

32 The additional workload and administrative costs associated  
33 with the minimal number of new criminal cases and civil suits  
34 filed in the court system can be absorbed within the budgeted  
35 resources of the Judicial Department. The collection of  
36 additional fines and filing fees may also increase General Fund  
37 revenue by minor amounts.'

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42 **SUMMARY**

43 This amendment requires that the Commissioner of Marine  
44 Resources provide the Department of Environmental Protection an  
45 assessment of the impacts of a proposed dredging operation on the  
46 fishing industry. It also requires that a person granted a  
47 dredging permit clearly mark or designate the dredging area, the  
48 spoils disposal route and the transportation route; publish in a  
49  
50

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2 newspaper of general circulation in the area adjacent to the  
route the approved transportation route of the dredge spoils; and  
publish in a newspaper of general circulation in the area  
4 adjacent to the route a procedure that the applicant will use to  
respond to inquiries regarding the loss of fishing gear during  
6 the dredging operation.

**COMMITTEE AMENDMENT**