

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 5-30-97

(Filing No. H- 746)

MAJORITY
NATURAL RESOURCES
APPROPRIATIONS AND FINANCIAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

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

COMMITTEE AMENDMENT "A" to H.P. 900, L.D. 1217, Bill, "An Act to Protect the State's Lakes, Rivers and Coastal Wetlands through a Comprehensive Watershed Protection Program"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

PART A

Sec. A-1. 5 MRSA §3331, sub-§2, ¶¶E and F, as enacted by PL 1993, c. 721, Pt. C, §1 and affected by Pt. H, §1, are amended to read:

E. Study specific land and water resources management issues and problems of state-level significance in order to develop sound, coordinated policies; and

F. Seek cooperation from federal agencies with responsibilities for land and water resources management to ensure that their programs and projects serve the best interests of the State; and

Sec. A-2. 5 MRSA §3331, sub-§2, ¶G is enacted to read:

G. Administer the Lakes Heritage Trust Fund established in subsection 6.

Sec. A-3. 5 MRSA §3331, sub-§§6 and 7 are enacted to read:

6. Lakes Heritage Trust Fund. The Lakes Heritage Trust Fund is established in the Executive Department for the purpose of protecting, preserving and enhancing the quality and value of the

COMMITTEE AMENDMENT

P. 63

2 State's lakes and great ponds. By majority vote of all members,
4 the council may accept monetary contributions to the fund from
6 any public or private source and may spend or disburse those
8 funds in a manner consistent with law for the purposes stated in
10 this subsection. The council shall include an accounting of all
12 donations to and expenditures from the Lakes Heritage Trust Fund
14 in its annual report to the Legislature under subsection 4.

16 7. Watershed protection. The council may create, implement
18 and administer a comprehensive watershed protection program in
20 order to ensure the development and implementation of locally
22 supported watershed management plans. In implementing the
24 program, the council shall coordinate the activities of the
26 agencies involved in watershed management to:

28 A. Develop and implement strategies designed to protect the
30 State's surface waters from nonpoint source pollution;

32 B. Conduct scientific research and water quality surveys to
34 establish baseline information about the condition of the
36 State's surface waters and the relative risk to surface
38 waters from nonpoint sources of pollution;

40 C. Implement regulatory and nonregulatory approaches to
42 watershed protection, including public education and
44 technical assistance;

46 D. Coordinate activities with local governments, other
48 state agencies, federal agencies and other organizations
50 that are involved in activities aimed at controlling
nonpoint source pollution; and

E. Establish priorities for the purpose of directing
resources to the management of water bodies based on an
assessment of their value, the degree of threat or
impairment to water quality and aquatic habitat due to
nonpoint source pollution, the likelihood of meeting
watershed management objectives and the degree of public
support in the watershed for watershed management.

Sec. A-4. Allocation. The following funds are allocated from
Other Special Revenue to carry out the purposes of this Part.

	1997-98	1998-99
EXECUTIVE DEPARTMENT		
State Planning Office		
All Other	\$500	\$500

2 Allocates funds to authorize
4 expenditures from the Lakes
Heritage Trust Fund.

6
8 **PART B**

10 **Sec. B-1. 38 MRS A §2013** is enacted to read:

12 **§2013. Priority watershed protection grants program**

14 A priority watershed protection grants program is
16 established, to be administered by the department, for the
18 purpose of providing financial assistance to entities to conduct
20 projects that implement best management practices or other
management measures in order to reduce or eliminate nonpoint
source pollution in surface waters of the State. Funding may not
be used to pay salaries of state agency staff.

22 **1. Project elements.** Each project proposal must either
24 create a watershed management plan or implement an existing
plan. A plan must include the following elements:

26 A. An assessment of water quality and uses of water bodies
within the watershed;

28 B. An inventory of the types of land uses and the types and
severity of nonpoint source pollution in the watershed;

30 C. An evaluation of the types and severity of other factors
32 that may be affecting water quality;

34 D. A determination of nonpoint source pollution controls
and measures necessary to improve or protect water quality;

36 E. An implementation strategy to address nonpoint sources
38 of pollution in the watershed that includes costs and
40 schedules for implementing best management practices or
other management measures and agreements outlining
responsibilities for meeting this strategy;

42 F. Actions to inform eligible landowners of the importance
44 of utilizing best management practices on a voluntary or
cost-shared basis;

46 G. An objective evaluation of the plan following
48 implementation; and

P. of S.

H. Actions to achieve self-sustaining financial support of the plan.

2. Project approval. The board shall approve funding for projects based on the following preferences, considering public comments on project proposals that have been submitted to the board:

A. Projects that have been given a high-priority status by the Land and Water Resources Council, established in Title 5, section 3331, subsection 1, in accordance with the comprehensive watershed protection program under Title 5, section 3331, subsection 7;

B. Projects that demonstrate extensive local support in either funding or services;

C. Projects that seek to solve current pollution problems and plan for future protection of resources; and

D. Projects that create techniques, products or information that can be of use in more than one setting or in other projects in the State.

Sec. B-2. Evaluation of program. By December 31, 1999, the department shall submit to the joint standing committee of the Legislature having jurisdiction over natural resource matters an evaluation of the priority watershed protection grants program, established in the Maine Revised Statutes, Title 38, section 2013, as a means of controlling nonpoint sources of pollution and improving water quality. The report must include recommendations for improving the program, including funding options.

Sec. B-3. Contingent upon ratification of bond issue. This Part takes effect only if a \$13,000,000 General Fund bond issue, including \$500,000 for mitigation of storm water pollution through the establishment of a comprehensive watershed protection program, is approved by the voters of the State.

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

FISCAL NOTE

	1997-98	1998-99
APPROPRIATIONS/ALLOCATIONS		
Other Funds	\$500	\$500

2
4 Authorization of a priority watershed protection grants
6 program to be administered by the Department of Environmental
8 Protection is contingent upon the enactment of, and subsequent
10 voter approval of, LD 268 as amended, " An Act to Authorize a
12 General Fund Bond Issue in the Amount of \$13,000,000 to Construct
14 Water Pollution Control Facilities, to Close and Clean Up
Municipal Solid Waste Landfills, to Clean Up Tire Stockpiles, to
Mitigate Storm Water Pollution through a Comprehensive Watershed
Protection Program and to Make Drinking Water Improvements."
That bond issue includes \$500,000 for the priority watershed
protection grants program.

16 The State Planning Office, on behalf of the Land and Water
18 Resources Council, will require initial Other Special Revenue
20 allocations of \$500 annually in fiscal years 1997-98 and 1998-99
22 to authorize expenditures from the Lakes Heritage Trust Fund
which is intended to provide funding for a comprehensive
watershed protection program. Revenues for the fund are based on
public and private contributions. The amounts of revenue can not
be estimated at this time.'

SUMMARY

26 This amendment, which is the majority report of the Joint
28 Standing Committee on Natural Resources and the Joint Standing
30 Committee on Appropriations and Financial Affairs, replaces the
32 bill. The amendment establishes the Lakes Heritage Trust Fund
for the purpose of protecting, preserving and enhancing the
34 quality and value of the State's lakes and great ponds. The fund
is established in the Executive Department to be administered by
the Land and Water Resources Council. The amendment also
36 authorizes the Land and Water Resources Council to create and
administer a comprehensive watershed protection program to ensure
38 the development and implementation of locally supported watershed
management plans.

40 The amendment establishes a priority watershed protection
42 grants program to be administered by the Department of
Environmental Protection for the purpose of providing financial
44 assistance to entities to conduct projects that implement best
management practices or other management measures in order to
46 reduce or eliminate nonpoint source pollution. The amendment
specifies that the grants program becomes effective only if a
48 bond issue, including \$500,000 for mitigation of storm water
pollution, is approved by the voters of the State.