

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-747)

MINORITY
NATURAL RESOURCES

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 "B" 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

COMMITTEE AMENDMENT

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

10 7. Watershed protection. The council may create, implement
11 and administer a comprehensive watershed protection program in
12 order to ensure the development and implementation of locally
13 supported watershed management plans. In implementing the
14 program, the council shall coordinate the activities of the
15 agencies involved in watershed management to:

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

18 B. Conduct scientific research and water quality surveys to
19 establish baseline information about the condition of the
20 State's surface waters and the relative risk to surface
21 waters from nonpoint sources of pollution;

22 C. Implement regulatory and nonregulatory approaches to
23 watershed protection, including public education and
24 technical assistance;

25 D. Coordinate activities with local governments, other
26 state agencies, federal agencies and other organizations
27 that are involved in activities aimed at controlling
28 nonpoint source pollution; and

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

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

38
39
40
41
42
43
44
45
46
47
48
49
50

	1997-98	1998-99
--	---------	---------

EXECUTIVE DEPARTMENT
State Planning Office

R. & S.

All Other \$500 \$500

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

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

PART B

Sec. B-1. 38 MRSA §2013 is enacted to read:

§2013. Priority watershed protection grants program

A priority watershed protection grants program is established to be administered by the department for the purpose of providing financial assistance to entities to conduct projects that address nonpoint source pollution in surface waters of the State.

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

A. Assessment of water quality and uses of water bodies within the watershed;

B. Inventory of the types of land uses and the types and severity of nonpoint source pollution in the watershed;

C. Evaluation of the types and severity of other factors that may be affecting water quality;

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

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

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

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

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

A. of S.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

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 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.

3. Limitation on use of bond proceeds. Bond proceeds allocated to a priority watershed protection program may only be expended in accordance with the following.

A. Bond proceeds may not be used to fund current expenditures.

B. Bond proceeds must only be used to finance capital improvements or to purchase tangible assets with useful lives greater than 10 years.

Sec. B-2. Evaluation of priority watershed protection grants program. By December 31, 1999, the Department of Environmental Protection 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 under 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:

COMMITTEE AMENDMENT

R. of S.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

FISCAL NOTE

1997-98 1998-99

APPROPRIATIONS/ALLOCATIONS

Other Funds	\$500	\$500
-------------	-------	-------

Authorization of a priority watershed protection grants program to be administered by the Department of Environmental Protection is contingent upon the enactment of, and subsequent voter approval of, LD 268 as amended, " An Act to Authorize a General Fund Bond Issue in the Amount of \$13,000,000 to Construct 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.

The State Planning Office, on behalf of the Land and Water Resources Council, will require initial Other Special Revenue allocations of \$500 annually in fiscal years 1997-98 and 1998-99 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

This amendment, which is a minority report of the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Appropriations and Financial Affairs, replaces the bill. The amendment establishes the Lakes Heritage Trust Fund for the purpose of protecting, preserving and enhancing the 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 authorizes the Land and Water Resources Council to create and administer a comprehensive watershed protection program to ensure the development and implementation of locally supported watershed management plans.

The amendment establishes a priority watershed protection grants program to be administered by the Department of Environmental Protection for the purpose of providing financial

COMMITTEE AMENDMENT

R. d. S.

COMMITTEE AMENDMENT "B" to H.P. 900, L.D. 1217

2 assistance to entities to conduct projects that address nonpoint
source pollution. It specifically limits the use of any bond
4 proceeds allocated to this program to financing capital
improvements or purchasing tangible assets with useful lives
6 greater than 10 years. The amendment specifies that the grants
program becomes effective only if a bond issue, including
8 \$500,000 for mitigation of storm water pollution, is approved by
the voters of the State.

10 The amendment adds an allocation section and a fiscal note
to the bill.

COMMITTEE AMENDMENT