

MAINE STATE LEGISLATURE

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H. of S.

L.D. 1330

DATE: April 29, 1997

(Filing No. S- 155)

NATURAL RESOURCES

Reported by: Senator Nutting

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STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 409, L.D. 1330, Bill, "An Act to Ensure Adequate Review of Maintenance Dredging"

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

'Sec. 1. 38 MRSA §480-E, sub-§§7 and 8 are enacted to read:

7. Individual permit; maintenance dredging. Notwithstanding section 344, subsection 7, an individual permit or consistency determination issued by the department pursuant to this article is required for maintenance dredging if the amount of material to be dredged exceeds 50,000 cubic yards.

Notwithstanding section 480-X, if an analysis of alternatives to the dredging project has been completed by the applicant within the previous 10 years pursuant to section 480-X and rules adopted to implement that section as part of an individual permit application, the applicant may update the previous analysis for purposes of obtaining a permit for maintenance dredging under this subsection.

8. Permit by rule; maintenance dredging. Maintenance dredging may be performed with a permit by rule only if the applicant has been issued an individual permit for dredging in the same location within the last 10 years.'

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

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FISCAL NOTE

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The Department of Environmental Protection will incur some minor additional costs to administer certain requirements for maintenance dredge projects. These costs can be absorbed within the department's existing budgeted resources.

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

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The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

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SUMMARY

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This amendment replaces the bill. The amendment specifies that an individual permit or federal consistency determination issued by the Department of Environmental Protection is required for maintenance dredging if the amount of material to be dredged exceeds 50,000 cubic yards. The amendment also clarifies that if an individual permit is required for maintenance dredging, the applicant may update an alternatives analysis that has been conducted for the dredging project within the previous 10 years.

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The amendment requires that maintenance dredging may be performed with a permit by rule only if the applicant has been issued an individual permit for dredging in the same location within the last 10 years.

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The amendment also adds a fiscal note to the bill.