

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)

M
1039

L.D. 2509

DATE: 4-4-00

(Filing No. H-1039)

NATURAL RESOURCES

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

STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1789, L.D. 2509, Bill, "An Act Regarding Discharges from Small Fish Hatcheries That Operated Prior to 1986"

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 §464, sub-§12 is enacted to read:

12. Discharges from certain fish hatcheries. An unlicensed discharge from a fish hatchery is considered, and continues to be considered after it is licensed pursuant to section 413, the same as a discharge licensed prior to January 1, 1986 for the purposes of subsection 4, paragraph A, subparagraph (1); section 465, subsection 2, paragraph C; and section 465-A, subsection 1, paragraph C if the following conditions are met:

A. The discharge was in existence prior to January 1, 1986;

B. The fish hatchery is licensed to cultivate fish by the Department of Inland Fisheries and Wildlife on the effective date of this subsection; and

C. An application from the hatchery for a waste discharge license is accepted as complete for processing by the Department of Environmental Protection within 90 days of notification that a waste discharge license is required pursuant to section 413.

The Department of Environmental Protection shall notify a fish hatchery with an unlicensed discharge that a waste discharge

COMMITTEE AMENDMENT

2 license is required pursuant to section 413 within 90 days of the
3 effective date of this subsection or within 90 days of finding
4 the unlicensed discharge.'

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

8
9 **FISCAL NOTE**

10
11 The Department of Environmental Protection will incur some
12 minor additional costs to notify certain fish hatcheries about
13 unlicensed discharges. These costs can be absorbed within the
14 department's existing budgeted resources.

16 This bill may reduce prosecutions for Class E crimes. If
17 the number of jail sentences is reduced, the savings to the
18 counties are estimated to be \$83.36 per day per prisoner. The
19 amount of any reduction of jail time and the resulting savings to
20 the county jail system are expected to be insignificant.

22 The Judicial Department may realize some minor savings from
23 reductions of workload and administrative costs associated with
24 the minimal number of cases that will no longer be filed in the
25 court system. Reductions in the collection of fines may decrease
26 General Fund revenue by minor amounts.'

28
29 **SUMMARY**

30
31 This amendment replaces the bill. The amendment authorizes
32 discharges from fish hatcheries into Class A waters, Class GPA
33 waters and waters having a drainage area of less than 10 square
34 miles to continue until practical alternatives exist, as are
35 discharges licensed prior to January 1, 1986, if the discharge
36 was in existence prior to January 1, 1986, the hatchery is
37 licensed by the Department of Inland Fisheries and Wildlife and
38 an application for a waste discharge license is accepted as
39 complete for processing within 90 days of notification that a
40 license is required. The amendment requires the Department of
41 Environmental Protection to notify a fish hatchery with an
42 unlicensed discharge within 90 days of the effective date of this
43 Act or within 90 days of finding the unlicensed discharge that a
44 waste discharge license is required.

46 The amendment also adds a fiscal note to the bill.