MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2509

H.P. 1789

House of Representatives, January 21, 2000

An Act Regarding Discharges from Small Fish Hatcheries That Operated Prior to 1986.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative BRYANT of Dixfield.
Cosponsored by Senator KILKELLY of Lincoln and
Representatives: CLARK of Millinocket, DUNLAP of Old Town, GAGNE of Buckfield,
MATTHEWS of Winslow, ROSEN of Bucksport, SAVAGE of Buxton, Senator: KIEFFER of
Aroostook.

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

Sec. 1. 38 MRSA $\S465$, sub- $\S2$, \PC , as affected by PL 1989, c. 890, Pt. A, $\S40$ and amended by Pt. B, $\S62$, is further amended to read:

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C. Direct discharges to these waters licensed after January 1, 1986, are permitted only if, in addition to satisfying all the requirements of this article, the discharged effluent will be equal to or better than the existing water quality of the receiving waters. Prior to issuing a discharge license, the department shall require applicant to objectively demonstrate to the department's satisfaction that the discharge is necessary and that there are no other reasonable alternatives available. Discharges into waters of this classification licensed prior to January 1986, are allowed to continue only until practical alternatives exist. Discharges from fish hatcheries existing prior to January 1, 1986 and licensed after January 1, 1986 are allowed to continue only until practical alternatives exist. Direct discharges to these waters from fish hatcheries existing prior to January 1, 1986 but not licensed are exempt from section 413 until practical alternatives exist. Nonlicensed fish hatcheries discharging into waters of this classification existing prior to January 1, 1986 are exempt from section 413 and are allowed to continue to discharge until such time as a practical alternative exists. There may be no deposits of any material on the banks of these waters in any manner so that transfer of pollutants into the waters is likely.

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SUMMARY

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This bill allows fish hatcheries existing prior to January 1, 1986 and licensed after January 1, 1986 to continue discharges into Class A waters only until practical alternatives exist. The bill also exempts fish hatcheries existing prior to January 1, 1986 but not licensed from the Maine Revised Statutes, Title 38, section 413 until practical alternatives exist.