

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)



119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2642

S.P. 1052

In Senate, March 22, 2000

**An Act to Amend the Nutrient Management Laws to Include the
Regulation of the Discharge from Fish Hatcheries Except for Aquaculture.**

(AFTER DEADLINE)

(EMERGENCY)

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

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KIEFFER of Aroostook.
Cosponsored by Representative DUNLAP of Old Town and
Senators: KILKELLY of Lincoln, LIBBY of York, NUTTING of Androscoggin,
Representatives: BRYANT of Dixfield, CLARK of Millinocket, HONEY of Boothbay, JOY
of Crystal, TRUE of Fryeburg.

2 **Emergency preamble. Whereas,** Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** fish hatcheries are an important part of the
State's economy and resource management efforts; and

8 **Whereas,** currently, fish hatcheries are not properly
regulated, causing confusion and concern among the hatcheries,
10 which are unable to expand and are unclear about the future due
to the lack of regulatory guidance; and

12
14 **Whereas,** the industry is vulnerable to immediate adverse
economic harm without proper regulatory guidance; and

16 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
18 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
20 safety; now, therefore,

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

24 **Sec. 1. 7 MRSA §4204, sub-§1,** as amended by PL 1999, c. 530,
§4, is further amended to read:

26
28 **1. Nutrient management plan required.** A person who owns or
operates a farm that meets the criteria established in subsection
2 shall have a nutrient management plan for that farm and, except
30 for a farm that meets the criteria of subsection 2, paragraph E,
shall implement the provisions in that plan by the dates
32 specified for that category of farm in subsection 4, 5, 6 or 7.
The nutrient management plan must be prepared by a person
34 certified in accordance with section 4202, subsection 2 and must
address the storage and utilization of all farm nutrients
36 generated on or transported to the farm. A nutrient management
plan developed by a farm owner or operator is deemed to have been
38 prepared by a certified nutrient management specialist if a
certified nutrient management specialist reviews the plan for
40 compliance with this chapter, signs the plan and notifies the
department in accordance with subsection 3. For livestock farms,
42 the nutrient management plan must address storage and utilization
of farm nutrients for the entire farm operation including leased
44 or rented land. For crop farms, the plan must address storage
and utilization of farm nutrients on land on which manure is
46 utilized or stored. The plan must establish minimum distances
between manure storage, stacking and spreading areas and property
48 lines and surface water based on site-specific factors. The plan
must provide for manure storage for a minimum of 180 days. A
50 copy of a nutrient management plan required under this section

2 must be available to the commissioner or the commissioner's
designee upon request. A nutrient management plan must include
the following:

4 A. Provisions for soil erosion control;

6 B. Minimum distances between manure storage, stacking and
8 spreading areas and property lines and surface waters;

10 C. Results of soil tests for land designated in the plan
for manure spreading or manure irrigation;

12 D. Results of manure tests;

14 E. Statement of yield goals for land receiving farm
16 nutrients;

18 F. Additional information established through rulemaking;

20 G. Site-specific dates recommended for the spreading of
manure and spraying or irrigation of liquid manure. In
22 compliance with section 4207, the plan may not recommend
spreading between December 1st of a calendar year and March
24 15th of the following calendar year; and

26 H. A recommended timetable for implementing the plan.

28 **Sec. 2. 7 MRSA §4204, sub-§1-A** is enacted to read:

30 1-A. Fish hatcheries. A nutrient management plan for a
32 fish hatchery under subsection 2, paragraph E must address
discharge into state waters. The department may adopt routine
34 technical rules pursuant to Title 5, chapter 375, subchapter II-A
to carry out the purposes of this subsection.

36 **Sec. 2. 7 MRSA §4204, sub-§2, ¶C**, as amended by PL 1999, c.
530, §4, is further amended to read:

38 C. A farm that is the subject of a verified complaint of
40 improper manure handling; or

42 **Sec. 3. 7 MRSA §4204, sub-§2, ¶D**, as enacted by PL 1997, c.
642, §2, is amended to read:

44 D. A farm that stores or utilizes regulated residuals; or

46 **Sec. 4. 7 MRSA §4204, sub-§2, ¶E** is enacted to read:

48 E. A fish hatchery, except for offshore aquaculture
50 operations in estuarine or marine waters.

2

Sec. 5. 38 MRSA §413, sub-§2-H is enacted to read:

4

2-H. Exemptions; fish hatcheries. A license is not required under this section for a discharge from a fish hatchery.

6

8

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

10

SUMMARY

12

14

16

This bill requires fish hatcheries, other than offshore aquaculture operations in estuarine or marine waters, to have a nutrient management plan under the nutrient management laws and exempts fish hatcheries from needing a discharge license under the Department of Environmental Protection.