

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 281

H.P. 245

House of Representatives, January 25, 2001

**An Act to Clarify Where a Public Hearing Involving Dredging Activity  
by the Department of Marine Resources Must be Held.**

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Reference to the Committee on Marine Resources suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative ETNIER of Harpswell.

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

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**Sec. 1. 38 MRSA §480-D, sub-§9**, as amended by PL 1997, c. 164, §1 and affected by §2, is further amended to read:

**9. Dredging.** If the proposed activity involves dredging, dredge spoils disposal or transporting dredge spoils by water, the applicant shall demonstrate that the transportation route minimizes adverse impacts on the fishing industry and that the disposal site is geologically suitable. The Commissioner of Marine Resources shall provide the department with an assessment of the impacts on the fishing industry of a proposed dredging operation in the coastal wetlands. The assessment must consider impacts to the area to be dredged and impacts to the fishing industry of a proposed route to transport dredge spoils to an ocean disposal site. The Commissioner of Marine Resources ~~must~~ may hold a public hearing on the proposed dredging operation. If a hearing is held, it must be within at least one of the municipalities in which the dredging operation would take place. In determining if a hearing is to be held, the Commissioner of Marine Resources shall consider the potential impacts of the project on fishing in the area to be dredged. In making its determination under this subsection, the department must take into consideration the assessment provided by the Commissioner of Marine Resources. The permit must require the applicant to:

- A. Clearly mark or designate the dredging area, the spoils disposal route and the transportation route;
- B. Publish in a newspaper of general circulation in the area adjacent to the route the approved transportation route of the dredge spoils; and
- C. Publish in a newspaper of general circulation in the area adjacent to the route a procedure that the applicant will use to respond to inquiries regarding the loss of fishing gear during the dredging operation.

**SUMMARY**

This bill removes the requirement to hold a public hearing on a proposed dredging operation. It requires that, if a public hearing is held on a proposed dredging operation, the hearing must be held within at least one of the municipalities where the dredging will take place. It also requires that the Commissioner of Marine Resources shall consider the potential impacts of the dredging on fishing when deciding whether or not to hold a hearing.