

# MAINE STATE LEGISLATURE

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DATE: *March 26, 2001* (Filing No. S- 20 )

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE  
SENATE  
120TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 266, L.D. 913, Bill, "An Act Regarding Variances to the Implementation Dates of the Nutrient Management Law"

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

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

4. Compliance date for farms operational on March 31, 1998. Except for a farm requiring a livestock operations permit under section 4205 or as provided in subsection 8, an owner or operator of a farm that was operational on March 31, 1998 and meets the criteria established in subsection 2, paragraph A or B shall have a nutrient management plan prepared for that farm no later than January 1, 2001. Except as provided in subsection 8, the plan must be implemented no later than October 1, 2007.

Sec. 2. 7 MRSA §4204, sub-§8, as enacted by PL 1999, c. 530, §4, is amended to read:

8. Variances. For farms with compliance dates established in subsection 4, the commissioner may grant a variance from the date by which a nutrient management plan must be prepared and certified when the commissioner finds that technical assistance or resources are not available to complete and certify the plan by January 1, 2001. The commissioner may grant a variance from the implementation date in subsection 4, 5 or 6 when the commissioner finds that implementation of the plan would cause undue hardship. A person requesting a variance shall submit a request in writing to the commissioner at least 90 days prior to the applicable implementation date. The commissioner shall

COMMITTEE AMENDMENT

2 establish by rule criteria and a process for granting a variance.  
3 Factors considered must include protection of groundwater and  
4 surface water, cost of implementing the plan and, availability of  
5 financial assistance to implement the plan and availability of  
6 technical assistance or resources to complete and certify the  
7 plan. Rules adopted pursuant to this subsection are routine  
8 technical rules as defined in Title 5, chapter 375, subchapter  
9 II-A. Notwithstanding the provisions of this subsection, a  
10 variance may not extend an implementation date beyond December  
11 31, 2008. A person denied a variance by the commissioner may  
12 appeal that decision to the board.

13 **Sec. 3. Appropriation.** The following funds are appropriated  
14 from the General Fund to carry out the purposes of this Act.

	2001-02	2002-03
18 <b>AGRICULTURE, FOOD AND RURAL</b>		
19 <b>RESOURCES, DEPARTMENT OF</b>		
20 <b>Office of Agricultural, Natural</b>		
21 <b>and Rural Resources</b>		
24 Personal Services	\$9,851	\$9,851
25 All Other	(9,851)	(9,851)
26		
27 Provides funds to implement a		
28 reclassification that has		
29 been approved by the		
30 Department of Administrative		
31 and Financial Services,		
32 Bureau of Human Resources.		
34 <b>DEPARTMENT OF AGRICULTURE,</b>		
35 <b>FOOD AND RURAL RESOURCES</b>		
36 <b>TOTAL</b>	\$0	\$0'

37  
38 Further amend the bill by inserting at the end before the  
39 summary the following:

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41  
42 **FISCAL NOTE**

43  
44 This bill includes a self-funded reclassification for a  
45 position within the Office of Agricultural, Natural and Rural  
46 Resources within the Department of Agriculture, Food and Rural  
47 Resources. There is no net cost to the General Fund for fiscal  
48 years 2001-02 and 2002-03.'