

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1592

H.P. 1128

House of Representatives, April 26, 2005

An Act Regarding Disposal of Dredged Materials

Reported by Representative KOFFMAN of Bar Harbor for the Joint Standing Committee on Natural Resources pursuant to Joint Order 2005, H.P. 721.

Reference to the Committee on Natural Resources suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

2 **Sec. 1. 38 MRSA §413, sub-§2-C**, as amended by PL 1989, c. 656,
4 §1, is repealed.

6 **Sec. 2. 38 MRSA §480-D, sub-§9**, as amended by PL 2001, c. 248,
8 §1, is further amended to read:

10 **9. Dredging.** If the proposed activity involves dredging,
12 dredge spoils disposal or transporting dredge spoils by water,
14 the applicant must demonstrate that the transportation route
16 minimizes adverse impacts on the fishing industry and that the
18 disposal site is geologically suitable. The Commissioner of
20 Marine Resources shall provide the department with an assessment
22 of the impacts on the fishing industry of a proposed dredging
24 operation in the coastal wetlands. The assessment must consider
26 impacts to the area to be dredged and impacts to the fishing
28 industry of a proposed route to transport dredge spoils to an
30 ocean disposal site. The Commissioner of Marine Resources may
32 hold a public hearing on the proposed dredging operation. In
34 determining if a hearing is to be held, the Commissioner of
36 Marine Resources shall consider the potential impacts of the
38 proposed dredging operation on fishing in the area to be
40 dredged. If a hearing is held, it must be within at least one of
the municipalities in which the dredging operation would take
place. If the Commissioner of Marine Resources determines that a
hearing is not to be held, the Commissioner of Marine Resources
must publish a notice of that determination in a newspaper of
general circulation in the area proposed for the dredging
operation. The notice must state that the Commissioner of Marine
Resources will accept verbal and written comments in lieu of a
public hearing. The notice must also state that if 5 or more
persons request a public hearing within 30 days of the notice
publication, the Commissioner of Marine Resources will hold a
hearing. If 5 or more persons request a public hearing within 30
days of the notice publication, the Commissioner of Marine
Resources must hold a hearing. 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:

42 A. Clearly mark or designate the dredging area, the spoils
44 disposal route and the transportation route;

46 B. Publish in a newspaper of general circulation in the
48 area adjacent to the route the approved transportation route
of the dredge spoils; and

50 C. Publish in a newspaper of general circulation in the
area adjacent to the route a procedure that the applicant

2 will use to respond to inquiries regarding the loss of
fishing gear during the dredging operation.

4 A municipality that is adjacent to coastal waters in which
dredging operations take place shall develop a plan for the
6 disposal of dredge spoils.

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SUMMARY

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12 Current law exempts holders of a permit issued under the
United States Clean Water Act, Public Law 92-500, Section 404
14 from obtaining a waste discharge license for the disposal of
dredged materials into waters of the State. This bill removes
that exemption. The bill also requires coastal municipalities to
16 develop a plan for the disposal of dredge spoils.