

MAINE STATE LEGISLATURE

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2 Date: 06-11-07

(Filing No. S- 263)

3 NATURAL RESOURCES

4 Reproduced and distributed under the direction of the Secretary of the Senate.

5 STATE OF MAINE

6 SENATE

7 123RD LEGISLATURE

8 FIRST REGULAR SESSION

9 COMMITTEE AMENDMENT "A" to S.P. 687, L.D. 1888, Bill, "An Act To
10 Implement Recommendations of the Drinking Water Program Regarding Public Water
11 Supply Protection"

12 Amend the bill by striking out all of section 4 and inserting the following:

13 'Sec. 4. 22 MRSA §2649-A is enacted to read:

14 §2649-A. State's impact on public water supply protection

15 When undertaking actions that have a negative impact on a public water supply, a
16 state agency shall consider the impact and evaluate alternatives to avoid and minimize the
17 impact.'

18 Amend the bill in section 11 in §480-E-2 in the first paragraph in the first line (page
19 3, line 6 in L.D.) by inserting after the following: "may delegate" the following: 'review'

20 Amend the bill by inserting after section 11 the following:

21 'Sec. 12. 38 MRSA §480-Q, sub-§2-C is enacted to read:

22 2-C. Transportation reconstruction or replacement project within a community
23 public water system primary protection area. A transportation reconstruction or
24 replacement project located within a community public water system primary protection
25 area as long as a permit is not required due to the presence of any other type of protected
26 natural resource.'

27 Amend the bill by striking out all of section 13 and inserting the following:

28 'Sec. 13. Rulemaking and implementation date. The Department of
29 Environmental Protection shall adopt rules to specify requirements for an activity located
30 in a community public water system primary protection area. The rules may include
31 provisions addressing mitigation. For purposes of the rulemaking, mitigation may

COMMITTEE AMENDMENT

1 include avoiding, minimizing, rectifying, reducing or eliminating an adverse impact, but
2 may not include compensating for an impact. A permit is not required under the Maine
3 Revised Statutes, Title 38, chapter 3, article 5-A for an activity located in, on or over a
4 community public water system primary protection area until the effective date of the
5 rules provided for in this section, unless a permit is otherwise required under the Maine
6 Revised Statutes, Title 38, section 480-C. Rules adopted pursuant to this section are
7 major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The
8 Department of Environmental Protection shall provide notice of the rulemaking under
9 this section to municipalities in which community public water system primary protection
10 areas are located.'

11 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
12 section number to read consecutively.

13 **SUMMARY**

14 This amendment deletes the requirement in the bill that requires state agencies to
15 conduct mitigation of unavoidable impacts the agency's actions have on a public water
16 supply. It clarifies that the Commissioner of Environmental Protection may delegate
17 review authority to the drinking water program of the Department of Health and Human
18 Services or to a community public water system. It adds an exemption to the laws
19 regarding the protection of natural resources for transportation reconstruction or
20 replacement projects within a community public water system primary protection area. It
21 clarifies that the Department of Environmental Protection may address mitigation in rules
22 concerning community public water system primary protection areas, but may not include
23 compensation as a method of mitigation. It designates rules specifying requirements for
24 activities located in a community public water system primary protection area as major
25 substantive rules. It requires the Department of Environmental Protection to provide
26 notice of the rulemaking to municipalities in which community public water system
27 primary protection areas are located.

FISCAL NOTE REQUIRED
(See attached)



123rd MAINE LEGISLATURE

LD 1888

LR 2637(02)

**An Act To Implement Recommendations of the Drinking Water Program Regarding Public Water
Supply Protection**

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the Department of Environmental Protection, the State Planning Office, and the Department of Health and Human Services can be absorbed utilizing existing budgeted resources.