

MAINE STATE LEGISLATURE

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Date: 3/28/08

L.D. 2249
(Filing No. H-864)

NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
SECOND REGULAR SESSION**

-- COMMITTEE AMENDMENT "A" to H.P. 1610, L.D. 2249, Bill, "An Act To Protect Lake Water Quality"

Amend the bill by striking out all of section 1 (page 1, lines 2 to 20 in L.D.)

Amend the bill by striking out all of section 3 (page 2, lines 30 to 41 in L.D.) and inserting the following:

Sec. 3. 38 MRSA §439-B is enacted to read:

§439-B. Contractors certified in erosion control

1. Definition. For purposes of this section, "excavation contractor" means an individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

2. Certification required. An excavation contractor conducting excavation activity in a shoreland area shall ensure that a person certified in erosion control practices by the department:

A. Is responsible for management of erosion and sediment control practices at the site; and

B. Is present at the site each day earth-moving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed.

The requirements of this subsection apply until erosion control measures that will permanently stay in place have been installed at the site or, if the site is to be revegetated, erosion control measures that will stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion have been installed.

3. Application. This section does not apply to activities resulting in less than one cubic yard of earth material being added or displaced.

COMMITTEE AMENDMENT

A.S.

COMMITTEE AMENDMENT "A" to H.P. 1610, L.D. 2249

1 **4. Effective date.** This section takes effect January 1, 2013.

2 **Sec. 4. Report.** By January 15, 2009, the Department of Environmental Protection
3 shall submit to the joint standing committee of the Legislature having jurisdiction over
4 natural resources matters a report evaluating strategies to diminish the impact of private
5 roads, driveways and boat ramps on lake water quality. The report must include guidance
6 to municipalities on appropriate road standards for the protection of lake water quality, a
7 sample model ordinance and, in consultation with the Office of the Attorney General, an
8 analysis of the constitutional issues regarding the public purpose doctrine raised by
9 permitting a municipality to adopt an ordinance that includes an assessment of an annual
10 fee on property owners for construction or maintenance of a private road to prevent
11 degradation of water quality.'

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

14 **SUMMARY**

15 The amendment removes from the bill the authority for municipalities to assess
16 annual fees under certain conditions to property owners whose properties are accessed by
17 a private road. The amendment clarifies that on-site supervision by an excavation
18 contractor certified in erosion control must be of a sufficient duration to ensure that
19 proper erosion and sedimentation control practices are followed and that the requirement
20 that a contractor certified in erosion control be on site does not apply to activities
21 resulting in less than one cubic yard of earth material being added or displaced. The
22 amendment directs the Department of Environmental Protection to submit to the joint
23 standing committee of the Legislature having jurisdiction over natural resources matters a
24 report evaluating strategies to diminish the impact of private roads, driveways and boat
25 ramps on lake water quality.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 2249

LR 3531(02)

An Act To Protect Lake Water Quality

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

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Revenue				
Other Special Revenue Funds	\$0	\$83,000	\$83,000	\$83,000

Fiscal Detail and Notes

This legislation is expected to result in an increase in dedicated revenue to the Storm Water Compensation Fund administered by the Department of Environmental Protection of \$83,000 annually beginning in fiscal year 2008-09. The additional revenue will be derived from an increase in the compensation fee from \$10,000 per pound to \$25,000 per pound of available phosphorus. The Storm Water Compensation Fund is a pass-through account where compensation fee revenue is deposited and disbursed for the sole purpose of implementing compensation projects as a condition of a permit.