

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Date: 5/28/19

NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 978, L.D. 1399, Bill, "An Act Concerning Water Quality in Watersheds"

Amend the bill by inserting after the enacting clause the following:

Sec. 1. 12 MRSA §6603 is enacted to read:

§6603. Resident recreational shellfish license

1. License required. A person may not engage in the activities authorized under this section without a current resident recreational shellfish license issued by the commissioner. The department shall provide each person licensed under this section with a resident recreational shellfish license sticker.

2. Licensed activity. The holder of a resident recreational shellfish license may take shellfish or possess, ship or transport within the State shellfish that license holder has taken. This license does not authorize the license holder to sell shellfish or shellfish meats that have been removed from the shell.

3. Eligibility. A resident recreational shellfish license may be issued only to an individual who is a resident of this State.

4. Fee. The fee for a resident recreational shellfish license is \$6.

5. Suspension of commercial shellfish license. A person whose commercial shellfish license has been suspended is not eligible for a resident recreational shellfish license.

6. Violation. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

Sec. 2. 12 MRSA §6604 is enacted to read:

§6604. Nonresident recreational shellfish license

1. License required. A person may not engage in the activities authorized under this section without a current nonresident recreational shellfish license issued by the

COMMITTEE AMENDMENT

RMS

1 commissioner. The department shall provide each person licensed under this section with  
2 a nonresident recreational shellfish license sticker.

3 **2. Licensed activity.** The holder of a nonresident recreational shellfish license may  
4 take shellfish or possess, ship or transport within the State shellfish that license holder has  
5 taken. This license does not authorize the license holder to sell shellfish or shellfish  
6 meats that have been removed from the shell.

7 **3. Eligibility.** A nonresident recreational shellfish license may be issued only to an  
8 individual who is not a resident of this State.

9 **4. Fee.** The fee for a nonresident recreational shellfish license is \$11.

10 **5. Violation.** A person who violates this section commits a civil violation for which  
11 a fine of not less than \$100 nor more than \$500 may be adjudged.

12 **Sec. 3. 12 MRSA §6605** is enacted to read:

13 **§6605. Recreational shellfish license sticker**

14 No later than January 1st of each year, the commissioner shall provide each agent  
15 authorized to issue recreational shellfish licenses pursuant to section 6603 or 6604 with a  
16 sufficient quantity of recreational shellfish license stickers for licenses. Each agent shall  
17 retain \$1 for each sticker sold by that agent for which a fee is required.'

18 Amend the bill in section 1 in paragraph D in the last 2 lines (page 1, lines 6 and 7 in  
19 L.D.) by striking out the following: "Clean Shores Fund" and inserting the following:  
20 'Water Quality and Infrastructure Improvement Fund'

21 Amend the bill in section 3 in subsection 7 in the last line (page 5, line 27 in L.D.) by  
22 striking out the following: "Clean Shores Fund" and inserting the following: 'Water  
23 Quality and Infrastructure Improvement Fund'

24 Amend the bill by inserting after section 3 the following:

25 '**Sec. 4. 38 MRSA §353-B, sub-§8** is enacted to read:

26 **8. Revenues derived from license fees.** Revenues derived from resident and  
27 nonresident recreational shellfish license fees pursuant to Title 12, sections 6603 and  
28 6604 must be paid to the Treasurer of State, who shall credit those revenues to the Water  
29 Quality and Infrastructure Improvement Fund established under section 424-B.'

30 Amend the bill in section 4 in subsection 3 in the 4th line (page 5, line 32 in L.D.) by  
31 inserting after the following: "areas" the following: 'and for hydrographic studies in  
32 shellfish growing areas'

33 Amend the bill in section 4 in subsection 3 in the 7th line (page 5, line 35 in L.D.) by  
34 inserting after the following: "priorities" the following: 'from the Shellfish Advisory  
35 Council established under Title 12, section 6038 and'

36 Amend the bill in section 5 in §424-B by striking out all of the first line (page 6, line  
37 6 in L.D.) and inserting the following: '**§424-B. Water Quality and Infrastructure**  
38 **Improvement Fund**'

1 Amend the bill in section 5 in section §424-B in subsection 1 in paragraph A in the  
2 first line (page 6, line 9 in L.D.) by striking out the following: "Clean Shores Fund" and  
3 inserting the following: 'Water Quality and Infrastructure Improvement Fund'

4 Amend the bill in section 5 in §424-B by striking out all of subsection 2 (page 6, lines  
5 10 and 11 in L.D.) and inserting the following:

6 **2. Fund established.** The Water Quality and Infrastructure Improvement Fund is  
7 established as a nonlapsing fund under the jurisdiction and control of the department.  
8 The fund is established to improve and protect water quality in coastal areas through  
9 support of the growing area classification program within the public health division at the  
10 Department of Marine Resources, improve the State's wastewater infrastructure, remove  
11 licensed overboard discharges, abate or remove pollution from failing subsurface  
12 wastewater disposal systems and improve the identification of pollution in shellfish  
13 harvesting areas.'

14 Amend the bill in section 5 in §424-B in subsection 3 by inserting after paragraph B  
15 the following:

16 'C. Dedicated revenue derived from license fees pursuant to Title 12, sections 6603  
17 and 6604.'

18 Amend the bill in section 5 in §424-B in subsection 3 in paragraph F in the first line  
19 (page 6, line 22 in L.D.) by inserting after the following: "and" the following: 'directed or  
20 advised'

21 Amend the bill in section 5 in §424-B in subsection 3 by relettering or renumbering  
22 the paragraphs to read consecutively.

23 Amend the bill in section 5 in §424-B by striking out all of subsections 4 and 5 (page  
24 6, lines 26 to 33 in L.D.) and inserting the following:

25 '**4. Distribution.** After administrative costs, revenue credited to the fund must be  
26 distributed as follows.

27 A. Those funds necessary to support 3 positions in the growing area classification  
28 program within the public health division of the Department of Marine Resources or  
29 50% of the fund, whichever is greater, must be transferred to the Department of  
30 Marine Resources. Any funds transferred in excess of those necessary to support the  
31 3 positions are to be used to support overtime work by staff in the growing area  
32 classification program during instances of flood closures of shellfish growing areas.

33 B. The remaining balance of the fund after the transfer made pursuant to paragraph  
34 A must be used to support the removal of licensed overboard discharges, investment  
35 in the improvement of the State's wastewater infrastructure, abatement or removal of  
36 sources of pollution from failing subsurface wastewater disposal systems and grants  
37 to municipal or other qualified applicants in identifying pollution in shellfish  
38 harvesting areas.

39 The department and the Department of Marine Resources must be reimbursed from the  
40 fund for administrative costs. "Administrative costs" for the purposes of this subsection  
41 means personal services directly associated with the processing and collection of the  
42 license surcharges pursuant to section 353-B and Title 12, sections 6603 and 6604. The

1 department and the Department of Marine Resources shall annually provide an itemized  
2 description of the prior year's expenses from the fund and a proposed budget for the  
3 following year to the Shellfish Advisory Council established under Title 12, section 6038  
4 and to representatives of publicly owned treatment works.

5 **5. Revenue bonds.** The department may use the fund distribution assigned for  
6 investment in the improvement of the State's wastewater infrastructure, removal of  
7 licensed overboard discharges or the abatement or removal of pollution from failing  
8 subsurface wastewater disposal systems as necessary to meet any provisions related to  
9 debt service of bond issues for the purposes described in subsection 2.

10 **6. Grants.** The department shall establish procedures and criteria for the grant  
11 application process, eligibility for grants and the award and use of grants made under this  
12 section.'

13 Amend the bill in section 5 in §424-B by relettering or renumbering the subsections  
14 to read consecutively.

15 Amend the bill by inserting after section 6 the following:

16 **'Sec. 7. Report.** The Department of Marine Resources and the Department of  
17 Environmental Protection shall submit a report to the joint standing committee of the  
18 Legislature having jurisdiction over natural resources matters by January 1, 2011 that  
19 identifies the point and nonpoint sources of fecal coliform that affect the State's shellfish  
20 areas based upon existing information readily available to the departments. The report  
21 must be comprehensive and include but not be limited to analysis of stormwater runoff,  
22 overboard discharge sources, farm and agricultural operations, municipal wastewater  
23 systems, direct industrial discharges and private septic systems. The joint standing  
24 committee is authorized to submit legislation to the First Regular Session of the 125th  
25 Legislature to amend the fee structure established in the Maine Revised Statutes, Title 12,  
26 sections 6603 and 6604 and Title 30-A, section 353-B, subsection 2, paragraph A on the  
27 basis of the report required under this section.

28 **Sec. 8. Transfer from General Fund unappropriated surplus; Bureau of**  
29 **Resource Management, Shellfish Fund, Department of Marine Resources.**  
30 Notwithstanding any other provision of law, the State Controller shall transfer \$198,824  
31 by July 15, 2009 from General Fund unappropriated surplus to the Bureau of Resource  
32 Management, Shellfish Fund, Other Special Revenue Funds program within the  
33 Department of Marine Resources. On or before June 30, 2010, the State Controller shall  
34 transfer revenue credited to the Maine Environmental Protection Fund, Water Quality  
35 Infrastructure Improvement Fund, Other Special Revenue Funds account within the  
36 Department of Environmental Protection to the unappropriated surplus of the General  
37 Fund to repay the \$198,824.

38 **Sec. 9. Appropriations and allocations.** The following appropriations and  
39 allocations are made.

40 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

41 **Maine Environmental Protection Fund 0421**

1 Initiative: Provides grants to municipalities and other entities to identify and abate  
 2 pollution in shellfish growing areas.

3	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
4	All Other	\$115,791	\$323,232
5			
6	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$115,791</u>	<u>\$323,232</u>

7	<b>ENVIRONMENTAL PROTECTION,</b>		
8	<b>DEPARTMENT OF</b>		
9	<b>DEPARTMENT TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
10			
11	OTHER SPECIAL REVENUE FUNDS	\$115,791	\$323,232
12			
13	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$115,791</u>	<u>\$323,232</u>

14 **MARINE RESOURCES, DEPARTMENT OF**  
 15 **Bureau of Resource Management 0027**

16 Initiative: Establishes one Marine Resource Scientist II position and 2 Marine Resource  
 17 Scientist I positions and provides funding for related All Other costs.

18	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
19	POSITIONS - LEGISLATIVE COUNT	3,000	3,000
20	Personal Services	\$170,133	\$235,975
21	All Other	\$28,691	\$38,293
22			
23	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$198,824</u>	<u>\$274,268</u>

24	<b>MARINE RESOURCES, DEPARTMENT OF</b>		
25	<b>DEPARTMENT TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
26			
27	OTHER SPECIAL REVENUE FUNDS	\$198,824	\$274,268
28			
29	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$198,824</u>	<u>\$274,268</u>

30	<b>SECTION TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
31			
32	OTHER SPECIAL REVENUE FUNDS	\$314,615	\$597,500
33		<u>                    </u>	<u>                    </u>





# 124th MAINE LEGISLATURE

LD 1399

LR 418(02)

## An Act Concerning Water Quality in Watersheds

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

Committee: Natural Resources

Fiscal Note Required: Yes

### Fiscal Note

State Mandate - Unfunded

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$314,615	\$597,500	\$597,500	\$597,500
<b>Revenue</b>				
Other Special Revenue Funds	\$314,615	\$597,500	\$597,500	\$597,500
<b>Transfers</b>				
General Fund	\$0	\$0	\$0	\$0
Other Special Revenue Funds	\$0	\$0	\$0	\$0

### Correctional and Judicial Impact Statements

Increases the number of civil suits.

The collection of additional fines may also increase General Fund revenue by minor amounts.

### State Mandates

#### Required Activity

This bill requires municipalities to engage in additional administrative and clerical duties related to fee collection and remittance to the Treasurer of State.

#### Unit Affected

Municipality  
Public Utility

#### Local Cost

Insignificant  
statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.



**Fiscal Detail and Notes**

CA (H-452) LD 1399

This bill creates the Water Quality and Infrastructure Improvement Fund within the Department of Environmental Protection (DEP) which is funded through license fees on recreational shellfish licenses, surcharges on the installation of new sewer systems, the municipal combined sewer overflow and overboard discharges and per ratepayer surcharge to sewer utilities. It is estimated that the fees raised will be \$314,615 in FY 2009-10 and \$597,500 thereafter. Beginning in fiscal year 2010-11, the bill transfers from the newly created fund to the Department of Marine Resources for one Marine Resource Scientist II position, two Marine Resource Scientist I positions and related administrative costs totaling \$274,268 in FY 2010-11. In fiscal year 2009-10, \$198,824 is transferred from the unappropriated surplus of the General Fund to the Department of Marine Resources, with the amount repaid in the same year from revenues deposited to the new fund.

The new fund will also provide grants to municipalities and other entities to identify and abate pollution in shellfish growing areas in the amount of \$115,791 in FY 2009-10 and \$323,232 in FY 2010-11. Additional costs to DEP associated with management of the fund can be absorbed within existing budgeted resources.