

MAINE STATE LEGISLATURE

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE

SENATE

130TH LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT " 1/2 " to S.P. 42, L.D. 34, "An Act To Create the Maine Forestry Operations Cleanup and Response Fund"

Amend the bill in section 1 in §8869-B by striking out all of subsection 1 (page 1, lines 12 to 18 in L.D.) and inserting the following:

'1. Disbursements from and use of fund. Money in the fund may be used by the department and disbursed only to pay the costs, including without limitation payments to contractors undertaking physical mitigation and remediation activities and equipment expenses, involved in the control of sediment and water flow, the abatement of pollution and the implementation of remediation activities, including restoration of water supplies, related to the discharge of sediment and other pollutants discharged or at risk of discharging to waters of the State by timber harvesting activities.

Prior to undertaking mitigation or remediation activities that will result in the use of the fund, the director shall use all reasonable efforts to notify the responsible party of the mitigation and remediation activities needed and to provide a reasonable time frame for the responsible party to implement those activities. The director shall notify the responsible party that a lien may be imposed on real estate owned by the responsible party in accordance with subsection 3 if the department undertakes mitigation and remediation activities that will result in the use of the fund.'

Amend the bill in section 1 in §8869-B in subsection 2 by striking out all of paragraph A (page 1, lines 21 to 24 in L.D.) and inserting the following:

'A. The director shall seek recovery of all costs paid from the fund from the responsible party, unless the bureau finds the amount involved too small, the likelihood of success too uncertain or that recovery of costs is unlikely due to the inability of the responsible party to pay those costs.'

Amend the bill in section 1 in §8869-B in subsection 2 by striking out all of paragraph B (page 1, lines 25 to 29 in L.D.) and inserting the following:

'B. Requests by the department for reimbursement of costs paid from the fund, if not paid by the responsible party within 30 days of the request, may be turned over to the

ROFS

COMMITTEE AMENDMENT "A" to S.P. 42, L.D. 34 (5-49)

Attorney General for collection or may be submitted to a collection agency or agent or an attorney retained by the department with the approval of the Attorney General in conformance with Title 5, section 191, or the bureau may file an appropriate action in District Court for recovery of the costs paid from the fund.'

Amend the bill by inserting after section 1 the following:

'Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Maine Forestry Operations Cleanup and Response Fund N357

Initiative: Provides an ongoing allocation to allow for the expenditure of funds for the cost of undertaking physical mitigation and remediation activities and equipment expenses involved in the control of sediment and water flow, the abatement of pollution and the implementation of remedial measures, including restoration of water supplies, related to the discharge of sediment and other pollutants discharged or at risk of discharging into state waters by timber harvesting activities.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$20,000	\$20,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$20,000	\$20,000

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

SUMMARY

This amendment clarifies that the Maine Forestry Operations Cleanup and Response Fund may be disbursed only to pay the costs, including without limitation payments to contractors undertaking physical mitigation and remediation activities, involved in the control of sediment and water flow, the abatement of pollution and the implementation of remediation activities.

The amendment requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry, prior to undertaking mitigation or remediation activities that will result in use of the fund, to use all reasonable efforts to notify the responsible party of mitigation and remediation activities needed and to provide a reasonable time frame for the responsible party to implement those activities. The amendment also requires the director to notify the responsible party that a lien may be imposed on real estate owned by the responsible party if the department undertakes mitigation and remediation activities that will result in the use of the fund.

The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 34

LR 127(02)

An Act To Create the Maine Forestry Operations Cleanup and Response Fund

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-A9)

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Appropriations/Allocations				
Other Special Revenue Funds	\$20,000	\$20,000	\$20,000	\$20,000

Fiscal Detail and Notes

This bill creates the Maine Forestry Operations Cleanup and Response Fund (the Fund) within the Department of Agriculture, Conservation and Forestry (ACF). Expenditures from this revolving fund are limited to reimbursement of costs related to physical mitigation and remediation of water quality violations that result from timber harvesting activities. The bill includes ongoing allocations to the ACF of \$20,000 starting in fiscal year 2021-22 to allow for expenditures from the Fund.

The bill allows dedicated revenue in the Bureau of Forestry from permit fees, civil actions and fines related to timber harvesting to be credited to the Fund up to a balance of \$20,000. Although the balance is capped at \$20,000, once expenditures have been made the Fund can be replenished to bring it back to \$20,000. ACF has indicated it plans to divert a portion of the penalties assessed by the Bureau of Forestry to initially provide funding and then use remediation money from responsible parties to fund future expenditures from the Fund. If expenditures from the Fund exceed the amount of remediation revenue received, additional penalty revenue may need to be diverted to replenish the Fund.