

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1979

S.P. 710

In Senate, February 10, 2022

An Act To Sustain Good-paying Jobs in the Forest Products Industry by Ensuring Consistency between Comprehensive River Resource Management Plans and State Water Quality Standards

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by President JACKSON of Aroostook.

Cosponsored by Senator: BALDACCI of Penobscot, Representatives: DUNPHY of Old Town, O'CONNELL of Brewer, POIRIER of Skowhegan, TALBOT ROSS of Portland.

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

2 **Sec. 1. 12 MRSA §407**, as amended by PL 2011, c. 655, Pt. EE, §17 and affected
3 by §30 and amended by c. 657, Pt. W, §5, is repealed and the following enacted in its place:

4 **§407. Comprehensive river resource management plans**

5 **1. Plan required.** The Department of Agriculture, Conservation and Forestry, with
6 assistance from the Department of Inland Fisheries and Wildlife, the Department of Marine
7 Resources, the Department of Environmental Protection, the Governor's Energy Office and
8 other state agencies as needed, shall develop a comprehensive river resource management
9 plan for each watershed with a hydropower project licensed under the Federal Power Act
10 or to be licensed under the Federal Power Act that provides a basis for state agency
11 comments, recommendations and permitting decisions.

12 **2. Plan components.** A comprehensive river resource management plan developed
13 pursuant to subsection 1:

14 **A. Must, at a minimum, include as applicable:**

15 **(1) Minimum flows;**

16 **(2) Impoundment level regimes;**

17 **(3) Upstream and downstream fish passage survival rates;**

18 **(4) Maintenance plans for aquatic habitat and habitat productivity; and**

19 **(5) Plans for public access and recreational opportunities; and**

20 **B. Must give consideration to existing uses.**

21 **3. State management plan.** A comprehensive river resource management plan
22 developed pursuant to subsection 1 must update, complement and, after public notice,
23 comment and hearings in the watershed, be adopted as components of the State's
24 comprehensive rivers management plan.

25 **4. Rules.** A comprehensive river resource management plan and any amendment to a
26 comprehensive river resource management plan adopted under this section are major
27 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

28 **Sec. 2. 38 MRSA §464, sub-§4, ¶F**, as amended by PL 1991, c. 66, Pt. B, §1, is
29 further amended by enacting a new subparagraph (7) to read:

30 **(7) Notwithstanding any provision of law to the contrary, a person that meets a**
31 **condition relating to any effect or potential effect on a species that is listed under**
32 **the United States Endangered Species Act of 1973, Public Law 93-205, as**
33 **amended, that is imposed or proposed to be imposed by the Federal Energy**
34 **Regulatory Commission in granting a new license pursuant to 18 Code of Federal**
35 **Regulations, Part 16, as amended, is considered to have met the State's water**
36 **quality standards in the event that no equivalent state standard has been set.**

37 **SUMMARY**

38 This bill requires that a comprehensive river resource management plan for a watershed
39 with a hydropower project give consideration to existing uses. The bill also classifies a

1 comprehensive river resource management plan as a major substantive rule subject to the
2 review of the Legislature.