

Date: (Filing No. S-)

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STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to S.P. 449, L.D. 1244, Bill, “An Act To Amend Environmental Permitting Standards”

Amend the amendment by striking out all of section 5 (page 1, lines 15 to 25 in amendment) and inserting the following:

'Sec. 5. 38 MRSA §840, sub-§7 is enacted to read:

7. Applicability beginning October 1, 2015. Beginning October 1, 2015, the board or the commissioner may not conduct an adjudicatory hearing for the purpose of establishing a water level regime or minimum flow requirements and may not issue an order establishing a water level regime or minimum flow requirements, except that the commissioner may conduct an adjudicatory hearing and issue an order in accordance with this section on a request or petitions submitted prior to October 1, 2015 or may amend or rescind an order issued prior to October 1, 2015. All orders establishing a water level regime or minimum flow requirements issued by the board or the commissioner prior to October 1, 2015, or after October 1, 2015 on a request or petitions submitted prior to October 1, 2015, remain in effect and enforceable until they expire or are rescinded or amended under this subarticle.

This subsection is repealed September 30, 2016.

Sec. 6. Authorization to report out a bill. The Joint Standing Committee on Environment and Natural Resources may report out a bill related to the establishment of water level regimes under the Maine Revised Statutes, Title 38, chapter 5, subchapter 1, article 3-A, subarticle 4 to the Second Regular Session of the 127th Legislature.'

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

SUMMARY

This amendment amends Committee Amendment "A" to remove the provision allowing the Department of Environmental Protection to charge parties to a water level dispute a licensing fee sufficient to cover costs incurred in conducting an adjudicatory hearing, with a maximum fee of \$20,000. This amendment also amends the laws governing the establishment of water level regimes to provide that after October 1, 2015

1 but before October 1, 2016 the Commissioner of Environmental Protection may not
2 conduct an adjudicatory hearing for the purpose of or issue an order establishing a water
3 level regime or minimum flow requirements, except that the commissioner may conduct
4 an adjudicatory hearing or issue an order for these purposes on requests or petitions
5 submitted prior to October 1, 2015. All orders establishing a water level regime issued
6 prior to October 1, 2015 remain in effect and enforceable until they expire or are
7 amended or rescinded. The amendment also authorizes the Joint Standing Committee on
8 Environment and Natural Resources to report out a bill to the Second Regular Session of
9 the 127th Legislature relating to the establishment of water level regimes.

10 **FISCAL NOTE REQUIRED**

11 (See attached)

12 SPONSORED BY: _____

13 (Senator BREEN)

14 COUNTY: Cumberland