

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

—
H.P. 751 - L.D. 1015

An Act To Reduce Unnecessary Reporting Requirements Related to Natural Resources

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

Sec. 1. 4 MRSA §152, sub-§6-A, ¶C, as amended by PL 1991, c. 377, §1, is further amended to read:

C. Shoreland zoning ordinances enacted under Title 30-A, section 3001, and in accordance with Title 38, sections 435 to 446 ~~and section 449;~~

Sec. 2. 38 MRSA §344, sub-§7, as amended by PL 1991, c. 804, Pt. A, §3, is further amended to read:

7. Permit by rule. The Board of Environmental Protection may permit, by rule, any class of activities that would otherwise require the individual issuance of a permit or approval by the board, if the board determines that activities within the class will have no significant impact upon the environment. Any such rule must describe with specificity the class of activities covered by the rule and may establish standards of design, construction or use as may be considered necessary to avoid adverse environmental impacts. Any such rule must require notification to the commissioner prior to the undertaking of the regulated activity.

~~The commissioner shall annually review activities requiring permits or approval from the department to determine whether any additional classes of activities are more effectively administered under a permit by rule system. As part of this review, the commissioner shall solicit public comments on recommendations for activities to be included under permit by rule and shall review the performance of the existing permit by rule program, including a review of the compliance record of the permit by rule program. The commissioner shall annually recommend to the board any additional categories of permits for the board to permit by rule.~~

Sec. 3. 38 MRSA §352, sub-§6, as amended by PL 1993, c. 736, §6, is repealed.

Sec. 4. 38 MRSA §449, as amended by PL 1989, c. 890, Pt. A, §40 and Pt. B, §49, is repealed.

Sec. 5. 38 MRSA §470-C, sub-§§8 and 9, as enacted by PL 2001, c. 619, §1, are amended to read:

8. In-stream storage ponds. A water withdrawal from an artificial pond constructed in a stream channel ~~provided that it~~ is subject to a minimum-flow release requirement in an existing permit, ~~and if~~ the water user files a notice of intent to be covered by this exemption on a form to be provided by the department; ~~and~~

9. Duplication of reporting. A water withdrawal that is reported to any other state agency under any program requiring substantially similar data ~~provided that~~ if the other agency has entered into a memorandum of agreement with the department for the collection and sharing of that data; and

Sec. 6. 38 MRSA §470-C, sub-§10 is enacted to read:

10. Agricultural producers. An agricultural producer that is subject to rules adopted under section 470-H and the provisions of Title 7, section 353.

Sec. 7. 38 MRSA §470-D, 2nd ¶, as enacted by PL 2001, c. 619, §1 and amended by PL 2003, c. 689, Pt. B, §§6 and 7, is further amended to read:

Water withdrawal reports must be submitted to either the Commissioner of Environmental Protection, the Commissioner of Conservation, or the Commissioner of Health and Human Services ~~or the Commissioner of Agriculture, Food and Rural Resources~~ in a form or manner prescribed by that commissioner. No later than January 1, 2003, those commissioners shall jointly publish a list indicating which classes of users are to report to which department. The form and manner of reporting must be determined by each commissioner, ~~provided~~ except that the required information is must be collected from each user above the threshold and in a manner that allows that data to be combined with data collected by the other commissioners. The reports must include information on actual and anticipated water use, the identification of the water source, the location of the withdrawal including the distance of each groundwater withdrawal from the nearest surface water source, the volume of the withdrawals that might be reasonably anticipated under maximum high-demand conditions and the number of days those withdrawals may occur each month and the location and volume of each point of discharge. The reporting may allow volumes to be reported in ranges established by the commissioners and reported volumes may be calculated estimates of volumes. The board, ~~the Department of Agriculture, Food and Rural Resources,~~ the Department of Conservation and the Department of Health and Human Services may adopt routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A as necessary to implement the reporting provisions of this article.

Sec. 8. 38 MRSA §585-D, last ¶, as amended by PL 2007, c. 619, §7, is repealed.

Sec. 9. 38 MRSA §585-H, as amended by PL 2003, c. 638, §3, is repealed.

Sec. 10. PL 1997, c. 444, §9 is repealed.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor