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Date: (Filing No. S-)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” 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

COMMITTEE AMENDMENT

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

5 Amend the bill by inserting after section 1 the following:

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

8 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**
9 **Maine Forestry Operations Cleanup and Response Fund N357**

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

16	OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
17	All Other	\$20,000	\$20,000
18			
19	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$20,000</u>	<u>\$20,000</u>

20 '
21 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
22 number to read consecutively.

23 **SUMMARY**

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

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

37 The amendment also adds an appropriations and allocations section.

38 **FISCAL NOTE REQUIRED**
39 **(See attached)**