

MAINE STATE LEGISLATURE

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M
R.D.S.

L.D. 1858

DATE: 3.24.04

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NATURAL RESOURCES

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STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 705, L.D. 1858, Bill, "An Act To Change the Point System for Clearing Vegetation Adjacent to Protected Natural Resources"

Amend the bill in section 1 in subsection 23 in paragraph B in subparagraph (2) in division (a) in the 4th line (page 1, line 36 in L.D.) by striking out the following: "8" and inserting in its place the following: '8 16'

Further amend the bill in section 1 in subsection 23 in paragraph B in subparagraph (2) in division (a) by striking out all of the blocked paragraph at the end (page 2, lines 8 to 13 in L.D.).

Further amend the bill in section 1 in subsection 23 in paragraph B in subparagraph (2) in division (b) in subdivision (iii) in the last line (page 2, line 27 in L.D.) by striking out the following: "; and" and inserting in its place the following '; and'

Further amend the bill in section 1 in subsection 23 in paragraph B in subparagraph (2) in division (b) in subdivision (iv) in the last line (page 2, line 32 in L.D.) by striking out the following: "subsection;" and inserting in its place the following 'subsection; and'

Further amend the bill in section 1 in subsection 23 in paragraph B in subparagraph (2) in division (b) by inserting after subdivision (iv) the following:

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to S.P. 705, L.D. 1858

2 '(v) Where conditions permit, no more than
4 50% of the points on any 25-foot by 50-foot
rectangular area may consist of trees greater
than 12 inches in diameter.

6 (c) For the purposes of this subparagraph, "other
8 natural vegetation" is defined as retaining
10 existing vegetation under 3 feet in height and
12 other ground cover and retaining at least 5
14 saplings less than 2 inches in diameter at 4 1/2
16 feet above ground level for each 25-foot by
50-foot rectangular area. If 5 saplings do not
exist, the landowner or lessee may not remove any
woody stems less than 2 inches in diameter until 5
saplings have been recruited into the plot;'

Further amend the bill in section 1 in subsection 23 in
paragraph B by striking out all of subparagraph (4) (page 2,
lines 40 to 44 in L.D.) and inserting in its place the following:

20 ~~'(4)--In order to protect water quality and wildlife~~
22 ~~habitat, existing vegetation under 3 feet in height and~~
24 ~~other ground cover is not removed except for~~
~~construction of a footpath as provided in subparagraph~~
~~(1)†'~~

Further amend the bill by inserting after section 1 and
before the summary the following:

30 **'Sec. 2. Rulemaking.** Notwithstanding Resolve 1999, chapter
116, rules adopted by the Board of Environmental Protection and
32 the Department of Conservation, Maine Land Use Regulation
Commission pursuant to this Act are routine technical rules as
34 defined in the Maine Revised Statutes, Title 5, chapter 375,
subchapter 2-A.'

38 **SUMMARY**

40 This amendment requires that no more than 50% of the points
of a 25-foot by 50-foot rectangular area may consist of trees
42 greater than 12 inches in diameter. It also requires that
existing vegetation under 3 feet in height and other ground cover
44 and at least 5 saplings less than 2 inches in diameter at 4 1/2
feet above ground level for each 25-foot by 50-foot areas must be
46 retained. It also provides that rules adopted by the Board of
Environmental Protection and the Department of Conservation,

BUS.

COMMITTEE AMENDMENT "A" to S.P. 705, L.D. 1858

Maine Land Use Regulation Commission pursuant to this Act are routine technical rules.

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FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

121st Maine Legislature
Office of Fiscal and Program Review



LD 1858

An Act To Change the Point System for Clearing Vegetation Adjacent
To Protected Natural Resources

LR 2761(02)

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

The additional costs associated with implementing this legislation can be absorbed by the Department of Environmental Protection and the Department of Conservation utilizing existing budgeted resources.