

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 398, L.D. 572, Bill, "An Act to Amend the Natural Resources Protection Laws"

Amend the bill in section 3 by striking out all of subsection 12 (page 1, lines 41 to 52 in L.D.) and inserting in its place the following:

'12. Existing access ways. Normal maintenance and repair or reconstruction of existing access ways in freshwater or coastal wetlands to residential dwellings as long as:

A. The applicant shows evidence that the access way in disrepair is the existing route of access to the residential dwelling;

B. Erosion control measures are used;

C. Intrusion of the access way into the freshwater or coastal wetland is minimized and allows for proper drainage where necessary;

D. The access way, if in a coastal wetland, is traditionally dry at mean high tide; and

E. A notice of intent to maintain, repair or reconstruct the access way and the description of the work to be completed are submitted to the commissioner and to the municipal reviewing authority at least 20 days before the work is performed.'

Further amend the bill by striking out all of section 4 and inserting in its place the following:

2 'Sec. 4 Allocation. The following funds are allocated from  
the Maine Environmental Protection Fund to carry out the purposes  
of this Act.

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1991-92 1992-93

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ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF

8

10 Maine Environmental Protection  
Fund

12

All Other (\$250) (\$250)

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16 Provides for the reduction of  
general operating expenses as  
a result of a decrease in  
18 revenue'

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Further amend the bill by inserting at the end before the  
statement of fact the following:

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FISCAL NOTE

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26 This bill will exempt approximately 2 projects annually  
involving the repair and maintenance of existing access ways to  
residential dwellings from obtaining a permit under the natural  
28 resources protection laws. This exemption from the permit  
process and a \$125 freshwater wetland fee will decrease dedicated  
30 revenue to the Maine Environmental Protection Fund by \$250  
annually beginning in fiscal year 1991-92. Allocations from the  
32 fund are also reduced by \$250 annually.'

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STATEMENT OF FACT

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38 This amendment expands the exemption provided in the bill to  
include reconstruction of existing access ways. The amendment  
also requires that there be evidence that the way was the prior  
40 route of access. Minimal intrusion into wetlands is allowed as  
long as proper drainage is allowed for. The exemption does not  
42 include access ways in coastal wetlands that are submerged at  
mean high tide. The amendment also strikes a retroactivity  
44 clause and adds an allocation section and a fiscal note.

Reported by the Committee on Energy and Natural Resources  
Reproduced and distributed under the direction of the Clerk of the  
House

(5/2/91)

(Filing No. H-216)