

MAINE STATE LEGISLATURE

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L.D. 213

DATE: 3/23/95

(Filing No. H-38)

NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 165, L.D. 213, Bill, "An Act to Change the Activities Requiring a Permit from the Department of Environmental Protection"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 38 MRSA §480-Q, sub-§2, as amended by PL 1993, c. 617, §1, is repealed and the following enacted in its place:

2. Maintenance and repair. Maintenance and repair of a structure in, on, over or adjacent to a protected natural resource and maintenance and repair of a private crossing of a river, stream or brook if:

A. Erosion control measures are taken to prevent sedimentation of the water;

B. Crossings do not block fish passages in water courses;

C. There is no additional intrusion into the protected natural resource; and

D. The dimensions of the repaired structure do not exceed the dimensions of the structure as it existed 24 months

COMMITTEE AMENDMENT

1048

2 prior to the repair, or if the structure has been officially
4 included in or is considered by the Maine Historical
6 Preservation Commission eligible for listing in the National
8 Register of Historic Places, the dimensions of the repaired
10 structure do not exceed the dimensions of the historic
12 structure.

14 This subsection does not apply to: the repair of more than 50%
16 of a structure located in a coastal sand dune system; the repair
18 of more than 50% of a dam, unless that repair has been approved
20 by a representative of the United States Natural Resources
22 Conservation Service; or the repair of more than 50% of any other
24 structure, unless the municipality in which the proposed activity
26 is located requires a permit for the activity through an
28 ordinance adopted pursuant to the mandatory shoreland zoning laws
30 and the application for a permit is approved by the municipality;

32 **FISCAL NOTE**

	1995-96	1996-97
REVENUES		
Other Funds	(\$2,588)	(\$3,450)

34 Eliminating certain instances where a permit is required
36 will reduce permit fee collections to the Maine Environmental
38 Protection Fund. The estimated reductions of dedicated revenue
40 are \$2,588 and \$3,450 in fiscal years 1995-96 and 1996-97,
respectively.'

STATEMENT OF FACT

The amendment replaces the bill. It continues the current
law exemption of all repairs of less than 50% of a structure. It
also extends the exemption to repairs of up to 100% of a
structure, with 3 exceptions. Repair of more than 50% of a
structure located in a coastal sand dune system is not exempt
from permitting. Repair of more than 50% of a dam is exempt only

ROE

COMMITTEE AMENDMENT "A" to H.P. 165, L.D. 213

2 if a representative of the United States Natural Resources
3 Conservation Service, formerly known as the Soil Conservation
4 Service, has approved the repair. Repair of more than 50% of a
5 structure is exempt from permitting only if the municipality in
6 which the activity is to occur regulates that activity under the
7 mandatory shoreland zoning laws and the municipality has approved
8 a permit for the activity.