

MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1868, L.D. 2604, Bill, "An Act to Address Nonpoint Source Pollution from Certain Sources"

Amend the bill by striking out the title and substituting the following:

'Resolve, to Require the Board of Environmental Protection and the Maine Land Use Regulation Commission to Adopt Consistent Rules Regarding Cutting and Removal of Vegetation'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Sec. 1. Rules to regulate cutting and removal of vegetation in areas adjacent to rivers, streams, brooks, ponds, wetlands and tidal waters. Resolved: That notwithstanding the Maine Revised Statutes, Title 38, chapter 3, subchapter I, articles 2-B and 5-A and in accordance with the purposes of Title 12, chapter 206-A and Title 38, chapter 3, including the control of nonpoint source pollution, no later than January 2, 2002, the Board of Environmental Protection and the Department of Conservation, Maine Land Use Regulation Commission shall each provisionally adopt rules in accordance with Title 5, chapter 375 to regulate the cutting and removal of vegetation, other than timber harvesting activities, in areas adjacent to rivers, streams, brooks, ponds, wetlands and tidal waters.

2 The Board of Environmental Protection and the Maine Land Use
3 Regulation Commission shall coordinate their rulemaking to adopt
4 rules that resolve inconsistencies, where appropriate, among
5 standards established pursuant to the Maine Revised Statutes,
6 Title 12, chapter 206-A and Title 38, chapter 3, subchapter I,
7 articles 2-B and 5-A and retain standards established pursuant to
8 those statutes when those standards are consistent. Upon final
9 adoption, rules adopted by the board apply in the organized areas
10 of the State and rules adopted by the commission apply in the
unorganized and deorganized areas of the State.

12 Rules adopted pursuant to this section do not apply to
13 timber harvesting activities, but the Board of Environmental
14 Protection and the Maine Land Use Regulation Commission shall
15 consult with the Commissioner of Conservation to coordinate the
16 standards related to timber harvesting activities with the
17 standards related to the cutting and removal of vegetation other
18 than timber harvesting.

20 Rules adopted pursuant to this section are major substantive
21 rules as defined in Title 5, chapter 375, subchapter II-A and
22 must be provisionally adopted and submitted to the Legislature no
23 later than January 2, 2002 for review; and be it further
24

26 **Sec. 2. Legislation authorized. Resolved:** That the joint
27 standing committee of the Legislature having jurisdiction over
28 natural resources matters may report out a bill to the Second
29 Regular Session of the 120th Legislature to amend provisions in
30 the Maine Revised Statutes, Title 12, chapter 206-A administered
31 by the Department of Conservation, Maine Land Use Regulation
32 Commission and in Title 38, chapter 3, subchapter 1, articles 2-B
33 and 5-A administered by the Department of Environmental
34 Protection to clarify the authority of these agencies to regulate
35 the cutting or removal of vegetation and to resolve
36 inconsistencies between the rules adopted pursuant to section 1
and those statutes; and be it further

38 **Sec. 3. Education initiative. Resolved:** That after rules are
39 adopted pursuant to section 1, the Department of Environmental
40 Protection and the Department of Conservation, Maine Land Use
41 Regulation Commission and Bureau of Forestry shall jointly
42 develop and implement an educational initiative to inform the
43 public in all areas of the State about the standards for the
44 cutting and removal of vegetation.'

46 Further amend the bill by inserting at the end before the
47 summary the following:
48

FISCAL NOTE

The Department of Environmental Protection and the Department of Conservation will incur some minor additional costs to administer certain regulatory responsibilities, to adopt certain rules and to implement an educational initiative. These costs can be absorbed within the departments' existing budgeted resources.

This bill may increase prosecutions for Class E crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.36 per day per prisoner. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

SUMMARY

This amendment replaces the bill and changes the title. The amendment directs the Board of Environmental Protection and the Department of Conservation, Maine Land Use Regulation Commission to adopt rules to regulate the cutting and removal of vegetation, other than timber harvesting activities, in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. It requires the rules to retain standards established under the laws related to mandatory shoreland zoning and natural resources protection when those standards are consistent. The rules are major substantive rules and must be submitted to the Legislature for review by January 2, 2002. The amendment does not affect current laws and rules, as amended, that regulate the cutting or removal of vegetation prior to final adoption of the rules authorized by this amendment.

The amendment authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out a bill to the Second Regular Session of the 120th Legislature to amend statutes administered by the Department of Environmental Protection and the Maine Land Use Regulation Commission related to the cutting and removal of vegetation.

The amendment also requires the Department of Environmental Protection, the Maine Land Use Regulation Commission and the Bureau of Forestry within the Department of Conservation to

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jointly develop and implement an educational initiative to inform
the public in all areas of the State about the standards for the
cutting and removal of vegetation.

COMMITTEE AMENDMENT