

	L.D. 2076
2	DATE: 3-15-02 (Filing No. H-920)
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6	NATURAL RESOURCES
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10	Reproduced and distributed under the direction of the Clerk of the House.
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14 16	STATE OF MAINE HOUSE OF REPRESENTATIVES 120TH LEGISLATURE SECOND REGULAR SESSION
18	COMMITTEE AMENDMENT "H" to H.P. 1571, L.D. 2076, "Resolve,
20	Regarding Legislative Review of Amendments to Chapter 305, Permit by Rule Standard and Chapter 310, Wetland Protection Regarding
22	Cutting and Removal of Vegetation, Major Substantive Rules of the Department of Environmental Protection"
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26	Amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:
28	'Sec. 1. Adoption. Resolved: That final adoption of amendments to Chapter 305, Permit by Rule Standard and Chapter
30	310, Wetland Protection Regarding Cutting and Removal of Vegetation, provisionally adopted major substantive rules of the
32	Department of Environmental Protection, that have been submitted to the Legislature for review pursuant to the Maine Revised
34	Statutes, Title 5, chapter 375, subchapter II-A is authorized only if Chapter 305 is amended as follows:
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	1. Section 2, paragraph C, subparagraph (1) of the proposed
38	amendment to Chapter 305 must be amended to strike the sentence proposed in that subparagraph that states: "Division of a parcel
40	of land that occurs after September 1, 2002, and that results in
	circumvention of the setback requirement may be considered by the
42	department and may be the basis for a denial under this subsection"; and
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	2. Section 2, paragraph C, subparagraph (3) of the proposed
46	amendment to Chapter 305 must be amended by striking everything in that subparagraph after the word "minimized."

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COMMITTEE AMENDMENT "" to H.P. 1571, L.D. 2076

The Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings on this rule prior to finally adopting this rule in accordance with this resolve; and be it further

Sec. 2. Report. **Resolved:** That the Department of Environmental Protection and the Maine Land Use Regulation 8 Commission shall evaluate the point system used by those agencies to define what constitutes a well-distributed stand of trees 10 within a vegetative buffer between development and a regulated water body and shall jointly report the results of that 12 evaluation to the joint standing committee of the Legislature 14 having jurisdiction over protected natural resources no later than January 15, 2003. The department and the commission shall 16 invite the participation of the regulated community when conducting its evaluation under this section. The report must 18 include, but is not limited to, recommendations on any changes to the specific points given to trees of specific diameters, the reasons for those recommendations and the effect of those changes 20 over time on the distribution of trees and other vegetation in those buffer strips.' 22

24 Further amend the resolve by inserting at the end before the summary the following:

'FISCAL NOTE

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30 The implementation of certain rules pertaining to the cutting and removal of vegetation will result in insignificant increases of dedicated revenue to the Maine Environmental Protection Fund within the Department of Environmental Protection 34 from application fees.

36 The Department of Conservation and the Department of Environmental Protection will incur some minor additional costs 38 to submit a required report to the Legislature. These costs can be absorbed within the departments' existing budgeted resources.'

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SUMMARY

44 This amendment replaces the resolve and removes the emergency provisions of the resolve. The amendment requires the Board of Environmental Protection to amend its provisionally adopted major substantive rules regarding the cutting and removal 48 of vegetation adjacent to protected natural resources to remove unnecessary language. The amendment also directs the Department 50 of Environmental Protection and the Maine Land Use Regulation

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Commission to evaluate the point system used by those agencies to define what constitutes a well-distributed stand of trees within a wegetative buffer between development and a regulated water

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- a vegetative buffer between development and a regulated water body and to jointly report the results of that evaluation to the Joint Standing Committee of the Legislature having jurisdiction over protected natural resources no later than January 15, 2003.
- It also adds a fiscal note to the resolve.

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