

1	L.D. 14	77	
2	Date: 06-06-07 (Filing No. S- 22	4)	
3	Reproduced and distributed under the direction of the Secretary of the Senate.		
4	STATE OF MAINE		
5	SENATE		
6	123RD LEGISLATURE		
7	FIRST REGULAR SESSION		
8 9 10	SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to H. 1039, L.D. 1477, Bill, "An Act Concerning the Natural Resources Protection Laws a Related Provisions"	.P. nd	
11 12	Amend the amendment in section 5 by striking out all of subsection 14 (page 1, lin 14 to 20 in amendment) and inserting the following:	es	
13 14 15 16 17 18 19 20 21	'14. Lawful harvesting of marine organisms or vegetation in coastal wetland A person lawfully engaged in the harvesting of marine organisms or vegetation under the provisions of Title 12, chapter 605 is not required to obtain a permit to engage in the activities in a coastal wetland or a coastal wetland containing a high or moderate value waterfowl or wading bird habitat or shorebird feeding or staging area. Within a coast wetland or a coastal wetland containing a high or moderate value waterfowl or wading bird habitat or shorebird feeding or staging area. Within a coast wetland or a coastal wetland containing a high or moderate value waterfowl or wading bird habitat or shorebird feeding or staging area, the removal of vegetation displacement of soil associated with or authorized by those lawful activities is not violation of this article; and'	he ose <u>ue</u> tal ng or	
22 23	Amend the amendment by striking out all of the 5th and 6th indented paragraphs after the title (page 1, lines 24 to 29 in amendment) and inserting the following:		
24 25	'Amend the bill in section 7 in §480-CC by striking out all of subsection 2 and inserting the following:		
26 27	⁶ 2. Cutting standards within roosting and feeding buffers. The cutting standar in this subsection apply in addition to the permitting standards in section 480-D.	<u>ds</u>	
28 29	A. Cutting or removal of vegetation within a roosting buffer is prohibited except as approved by the department for:		
30	(1) Removal of a safety hazard;		
31 32 33	(2) Cutting or removal of vegetation to allow for a footpath not to exceed 6 fe in width as measured between tree trunks and shrub stems. The footpath may n result in a cleared line of sight to the water; and		

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SENATE AMENDMENT

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(3) Cutting or removal of vegetation determined to be necessary by the department in order to conduct other activities approved by the department pursuant to section 480-C and in accordance with the standards of this article and rules adopted pursuant to this article, including but not limited to avoidance, minimization and no unreasonable impact. The department may not approve cutting or removal of vegetation for purposes of creating a view unless the department in consultation with the Department of Inland Fisheries and Wildlife determines there will be no unreasonable impact on the protected resource.

Any cutting or removal of vegetation under this paragraph must be done in
consultation with and as approved by the Department of Inland Fisheries and
Wildlife.

B. Cutting or removal of vegetation within a feeding buffer is prohibited except as
approved by the department for:

14(1) Cutting or removal of vegetation that meets the vegetative screening15standards set forth in Title 38, section 439-A, subsection 6. In interpreting and16enforcing these standards, the department shall rely upon the department's17shoreland zoning rules regarding cutting or removal of vegetation for activities18other than timber harvesting and apply the cutting standards applicable within 7519feet of a coastal wetland to the entire 100-foot feeding buffer; and

20 (2) Cutting or removal of vegetation determined to be necessary by the
21 department in order to conduct other activities approved by the department
22 pursuant to section 480-C and in accordance with the standards of this article and
23 rules adopted pursuant to this article, including but not limited to avoidance,
24 minimization and no unreasonable impact.

This paragraph may not be construed to limit a municipality's authority under home
rule to adopt ordinances containing stricter standards than those contained in this
paragraph.'

SUMMARY

The amendment clarifies that the cutting standards applied within 100 feet of a shorebird feeding area are those that are used within 75 feet of a coastal wetland under shoreland zoning.

The amendment also makes 2 changes to the proposed exemption for lawful harvesting. It clarifies that the exemption applies to waterfowl as well as wading bird

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habitat and that the removal of vegetation or displacement of soil associated with lawful
harvesting activities is not a violation of the natural resources protection laws.

3		FISCAL NOTE REQUIRED
4		(See attached)
		the PA
5	SPONSORED BY:	Millin d. Rhym
6	(Senator RAYE)	1
7	COUNTY: Washingt	on V

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SENATE AMENDMENT



123rd MAINE LEGISLATURE

LD 1477

LR 643(04)

An Act Concerning the Natural Resources Protection Laws and Related Provisions

Fiscal Note for Senate Amendment "A" to Committee Amendment "A" Sponsor: Sen. Raye of Washington Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund