

MAINE STATE LEGISLATURE

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Date: 5/20/19

(Filing No. H-339)

NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 887, L.D. 1268, Bill, "An Act To Update the Site Location of Development Laws"

Amend the bill by striking out all of sections 1 to 8

Amend the bill by striking out all of sections 10 and 11

Amend the bill in section 13 in §486-B in the section headnote (page 4, line 31 in L.D.) by inserting after the following: "Department of Transportation" the following: 'and Maine Turnpike Authority'

Amend the bill in section 13 in §486-B in subsection 1 in the 3rd line (page 4, line 34 in L.D.) by inserting after the following: "Department of Transportation" the following: 'or the Maine Turnpike Authority'

Amend the bill in section 13 in §486-B in subsection 2 in paragraph A in the first line (page 4, line 39 in L.D.) by inserting after the following: "Department of Transportation's" the following: 'or the Maine Turnpike Authority's'

Amend the bill in section 13 in §486-B in subsection 2 in paragraph A in the 5th line (page 5, line 3 in L.D.) by inserting after the following: "Transportation's" the following: 'or the Maine Turnpike Authority's'

Amend the bill in section 13 in §486-B in subsection 2 in the last paragraph in the 3rd line (page 5, line 11 in L.D.) by inserting after the following: "Department of Transportation's" the following: 'or the Maine Turnpike Authority's'

Amend the bill in section 13 in §486-B in subsection 3 in paragraph A in the 3rd line (page 5, line 16 in L.D.) by inserting after the following: "Department of Transportation" the following: 'or the Maine Turnpike Authority'

Amend the bill in section 13 in §486-B in subsection 4 in the next to last paragraph in the first line (page 5, line 28 in L.D.) by inserting after the following: "Department of Transportation" the following: 'or the Maine Turnpike Authority'

COMMITTEE AMENDMENT

1 Amend the bill in section 13 in §486-B in subsection 4 in the last paragraph in the
2 first line (page 5, line 30 in L.D.) by inserting after the following: "Department of
3 Transportation" the following: 'or the Maine Turnpike Authority'

4 Amend the bill in section 13 in §486-B in subsection 7 in the 2nd line (page 6, line 2
5 in L.D.) by inserting after the following: "Department of Transportation" the following:
6 'or the Maine Turnpike Authority'

7 Amend the bill by striking out all of section 14 (page 6, lines 8 and 9 in L.D.)

8 Amend the bill by inserting after section 15 the following:

9 '**Sec. 16. 38 MRSA §490-D, sub-§1**, as amended by PL 2007, c. 616, §3, is
10 further amended to read:

11 **1. Significant wildlife habitat and other protected areas.** Affected land may not
12 be located in, on or over a significant wildlife habitat or other type of protected natural
13 resource, as defined in section 480-B, or in an area listed pursuant to the Natural Areas
14 Program, Title 12, section 544. The department may allow excavation to occur ~~in, on or~~
15 ~~over a significant wildlife habitat or other type of protected natural resource provided~~
16 under this section as long as a permit is obtained pursuant to article 5-A. Permit
17 requirements for certain excavations in, on or over high and moderate value inland
18 waterfowl and wading bird habitat are also governed by section 480-GG.

19 **Sec. 17. 38 MRSA §490-Z, sub-§1**, as amended by PL 2007, c. 616, §6, is
20 further amended to read:

21 **1. Significant wildlife habitat and other protected areas.** Affected land may not
22 be located in, on or over a significant wildlife habitat or other type of protected natural
23 resource, as defined in section 480-B, or in an area listed pursuant to the Natural Areas
24 Program, Title 12, section 544. The department may allow excavation to occur ~~in, on or~~
25 ~~over a significant wildlife habitat or other type of protected natural resource provided~~
26 under this section as long as a permit is obtained pursuant to article 5-A. Permit
27 ~~requirement~~ requirements for certain excavations in, on or over high and moderate value
28 inland waterfowl and wading bird habitat are also governed by section 480-GG.'

29 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
30 section number to read consecutively.

31 **SUMMARY**

32 This amendment does the following.

33 1. This amendment strikes the provisions in the bill that:

34 A. Eliminated the definition of "significant ground water aquifer" and changed the
35 groundwater standard;

36 B. Eliminated the exceptions for a lot of 40 or more acres in the definition of
37 "subdivision";

38 C. Changed the exception for a sale or lease of a lot to an abutter in the definition of
39 "subdivision";

- 1 D. Changed the exception for a common lot created with a conservation easement in
 - 2 the definition of "subdivision";
 - 3 E. Eliminated the low-density subdivision exemption;
 - 4 F. Authorized the Department of Environmental Protection to require a bond or other
 - 5 security for proposed development; and
 - 6 G. Prohibited the Department of Environmental Protection from approving
 - 7 development permits unless the development is located or designed as described in
 - 8 the bill.
- 9 2. The amendment also authorizes the Department of Environmental Protection to
- 10 issue a general permit for developments constructed by the Maine Turnpike Authority
- 11 and amends the laws relating to quarries and gravel pits to allow excavation to occur in
- 12 protected areas as long as a Natural Resources Protection Act permit is obtained.
- 13 3. The amendment retains the provisions of the bill that:
- 14 A. Relate to long-term construction projects;
 - 15 B. Authorize the Department of Environmental Protection to issue a general permit
 - 16 for developments constructed by the Department of Transportation;
 - 17 C. Require a one-time report from the Department of Environmental Protection
 - 18 relating to provisions in the storm water management laws and the site location of
 - 19 development laws that provide for the registration of municipalities for authority to
 - 20 substitute local permits for state permits; and
 - 21 D. Make technical corrections.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 05/15/09 *MAC*

124th MAINE LEGISLATURE

LD 1268

LR 1235(02)

An Act To Update the Site Location of Development Laws

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

No net fiscal impact

Fiscal Detail and Notes

This bill authorizes the Department of Environmental Protection (DEP) to modify the process of issuing certain permits to the Department of Transportation and the Maine Turnpike Authority. The DEP anticipates no net change permit application revenue. The additional costs associated with issuing permits, providing a report and other administrative duties can be absorbed within existing budgeted resources.

It is estimated that the Department of Transportation will save approximately \$350,000 of Highway Fund and Federal Expenditures Funds costs in reduced funds spent on consultant fees for application preparation and application fees. These savings will be allocated to other Highway Fund and Federal Expenditures Fund projects within the Department of Transportation.