

MAINE STATE LEGISLATURE

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M. E. J. O. H. G.

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L.D. 1725

Date: 3/2/10

(Filing No. H-677)

Majority
NATURAL RESOURCES

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

COMMITTEE AMENDMENT "A" to H.P. 1224, L.D. 1725, "Resolve, Regarding Legislative Review of Portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a Major Substantive Rule of the Department of Environmental Protection"

Amend the resolve in section 1 in the last line (page 1, line 18 in L.D.) by striking out the following: "authorized." and inserting the following: 'authorized; and be it further'

Amend the resolve by inserting after section 1 the following:

Sec. 2. Effective date of rule. Resolved: That, notwithstanding the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, final adoption of portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, pursuant to section 1, takes effect January 1, 2012; and be it further

Sec. 3. Department review and report; authority for legislation. Resolved: That the Department of Environmental Protection, with the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, referred to in this section as "the departments," shall conduct a series of meetings with municipal public works officials to provide training, information and opportunities to evaluate crossings subject to the requirements of the rule that is the subject of this resolve. The meetings must be held in locations around the State sufficient to provide for widespread participation by municipal officials and must provide opportunities for field work for the departments and municipal officials to examine specific crossing examples. By January 5, 2011, the Department of Environmental Protection and the Department of Transportation shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the outreach and field work activities undertaken by the departments and on the impact of the rule including an assessment of the cost of compliance with the rule. Following its review of the report, the committee may submit a bill to the First Regular Session of the 125th Legislature regarding suggested revisions to Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards.'

COMMITTEE AMENDMENT

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SUMMARY

This amendment is the majority report of the committee. The amendment authorizes portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards but delays the effective date of the rule to January 1, 2012. The amendment also directs the Department of Environmental Protection with the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources to conduct a series of meetings with municipal public works officials to provide training, information and opportunities to evaluate crossings subject to the requirements of the rule. The amendment directs the Department of Environmental Protection and the Department of Transportation to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the outreach and field work activities undertaken by the departments and on the impact of the rule not later than January 5, 2011. It also authorizes the committee to submit a bill to the First Regular Session of the 125th Legislature regarding suggested revisions to the rule.

FISCAL NOTE REQUIRED
(See attached)



124th MAINE LEGISLATURE

LD 1725

LR 2540(02)

Resolve, Regarding Legislative Review of Portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a Major Substantive Rule of the Department of Environmental Protection

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

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - Other Special Revenue Funds

Minor cost increase - General Fund

Minor cost increase - Highway Fund

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Revenue				
Other Special Revenue Funds	\$0	\$0	\$3,250	\$3,250

Fiscal Detail and Notes

Requiring stream crossing maintenance activities to proceed under a permit-by-rule process will result in 50 estimated applications per year commencing in fiscal year 2011-12, with an anticipated \$3,250 in additional annual revenue (50 applications at \$65 each). Additional costs to the Departments of Environmental Protection, Transportation, Inland Fisheries and Wildlife and Marine Resources associated with conducting meetings with municipal public works officials to provide training information and opportunities can be absorbed within existing budgeted resources.