

MAINE STATE LEGISLATURE

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Date: 3-23-10

(Filing No. H-778)

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "B" 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 amendment by striking out all of section 1 and inserting the following:

Sec. 1. Adoption. Resolved: That final adoption of portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only as it applies to the construction of new stream crossings undertaken on or after the effective date of this resolve; and be it further

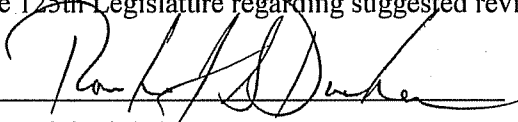
Sec. 2. Department review and report; rulemaking; authority for legislation. Resolved: That the Department of Environmental Protection, with the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, referred to in this section as "the departments," shall conduct a series of meetings with municipal public works officials to provide training, information and opportunities to evaluate stream crossings subject to the requirements of the rule approved pursuant to section 1 and stream crossings in existence on the effective date of this resolve that may be subject to rules adopted pursuant to this section. 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. The Department of Environmental Protection shall adopt major substantive rules in accordance with Public Law 2009, chapter 460, sections 3 and 4 regarding stream crossings in existence on the effective date of this resolve and shall submit the provisionally adopted rules to the Legislature by January 1, 2011 for review by the joint standing committee of the Legislature having jurisdiction over natural resources matters. 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. Following its review of the report, the committee may submit a bill by April 30, 2011 to the First Regular Session of

1 the 125th Legislature regarding suggested revisions to Section 10: Stream Crossings
2 within Chapter 305 Permit by Rule Standards.'

3 **SUMMARY**

4 This amendment authorizes portions of Section 10: Stream Crossings within Chapter
5 305 Permit by Rule Standards only as it applies to construction of new stream crossings
6 undertaken on or after the effective date of this resolve.

7 The amendment also directs the Department of Environmental Protection, with the
8 Department of Transportation, the Department of Inland Fisheries and Wildlife and the
9 Department of Marine Resources, to conduct a series of meetings with municipal public
10 works officials to provide training, information and opportunities to evaluate stream
11 crossings. The amendment directs the Department of Environmental Protection to adopt
12 major substantive rules regarding stream crossings that are already in existence on the
13 effective date of this resolve and requires that the provisionally adopted rules be
14 submitted to the Legislature by January 1, 2011 for review by the joint standing
15 committee of the Legislature having jurisdiction over natural resources matters. The
16 amendment directs the Department of Environmental Protection and the Department of
17 Transportation to report to the joint standing committee of the Legislature having
18 jurisdiction over natural resources matters on the outreach and field work activities
19 undertaken by the departments and on the impact of the rule not later than January 5,
20 2011. It also authorizes the committee to submit a bill by April 30, 2011 to the First
21 Regular Session of the 125th Legislature regarding suggested revisions to the rule.

22 **SPONSORED BY:** 
23 **(Representative DUCHESNE)**

24 **TOWN: Hudson**

FISCAL NOTE REQUIRED
(See Attached)



Approved: 03/18/10 *MAC*

124th MAINE LEGISLATURE

LD 1725

LR 2540(05)

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 House Amendment "A" to Committee Amendment "B"

Sponsor: Rep. Duchesne of Hudson

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor cost increase - Highway Fund

Fiscal Detail and Notes

Additional costs to the Departments of Transportation, Inland Fisheries and Wildlife and Marine Resources associated with conducting meetings with municipal public works officials to provide training information and opportunities to evaluate crossings subject to this rule can be absorbed within existing budgeted resources.