

MAINE STATE LEGISLATURE

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Date: 5-20-11

(Filing No. S-139)

ENVIRONMENT AND NATURAL RESOURCES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT “A” to S.P. 52, L.D. 159, Bill, “An Act To Foster Economic Development by Improving Administration of the Laws Governing Site Location of Development and Storm Water Management”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 38 MRSA §420-D, sub-§7, ¶H is enacted to read:

H. Trail management activities that are part of the development and maintenance of the statewide snowmobile trail system developed as part of the Maine Trails System under Title 12, section 1892, including new construction and maintenance of trails, do not require review pursuant to this section if, for each trail being managed:

- (1) The trail is constructed and maintained in accordance with best management practices for motorized trails established by the Department of Conservation;
- (2) The trail is the minimum feasible width for its designated use; and
- (3) No lane exceeds 12 feet in width and no trail includes more than 2 lanes.

Sec. 2. 38 MRSA §420-D, sub-§9, as amended by PL 2009, c. 602, §1, is further amended to read:

9. Rules. Rules With the exception of minor clerical corrections and technical clarifications that do not alter the substance of requirements applying to projects, rules adopted pursuant to this section after January 1, 2010 and before January 1, 2012 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Any rules adopted by the department pursuant to this section on or after January 1, 2012 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that those rules that qualify as state mandates pursuant to the Constitution of Maine, Article IX, Section 21 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 38 MRSA §484, sub-§3, ¶H is enacted to read:

1 the laws governing site location of development unless the buffer strip is established for
2 another protected natural resource;

3 4. Retains the provision in the bill that provides that rules related to standards for
4 development adopted by the Department of Environmental Protection after January 1,
5 2010 pursuant to the laws governing site location of development are major substantive
6 rules, except for standards for blasting and wind energy development or offshore wind
7 power projects;

8 5. Directs the Department of Environmental Protection to adopt rules to allow
9 activities in, on or over high and moderate value waterfowl and wading bird habitat to be
10 eligible for permit by rule under the Natural Resources Protection Act;

11 6. Authorizes the Joint Standing Committee on Environment and Natural Resources
12 to report out a bill relating to high and moderate value waterfowl and wading bird habitat
13 to the Second Regular Session of the 125th Legislature; and

14 7. Strikes the provisions in the bill that revise the thresholds for review by the
15 Department of Environmental Protection pursuant to the laws governing site location of
16 development.

FISCAL NOTE REQUIRED
(See attached)



Approved: 05/18/11 *mac*

125th MAINE LEGISLATURE

LD 159

LR 665(02)

An Act To Foster Economic Development by Improving Administration of the Laws Governing Site Location of Development and Storm Water Management

Fiscal Note for Bill as Amended by Committee Amendment "A" S-139

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds
Minor revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any costs associated with rule-making to allow activities in, on or over high and moderate value waterfowl and wading bird habitat to be eligible for permit by rule processes under the Natural Resources Protection Act will result in minor cost increases which the Department of Environmental Protection can absorb within existing budgeted resources and a minor revenue increase in the form of some additional permit application fees.