

MAINE STATE LEGISLATURE

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DMC
R 11

Date: 3/31/11

ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 329, L.D. 411, "Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a Major Substantive Rule of the Department of Environmental Protection"

Amend the resolve by striking out all of section 1 and inserting the following:

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, 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 if the rule is amended as follows:

- 1. A definition of "cobble" is added to mean a rock that is smaller than a boulder and larger than gravel;
- 2. A definition of "cobble-trapping fence" is added to mean an open fence with a continuous porosity equal to or greater than 50% that is designed to prevent cobbles from passing through it;
- 3. The provision in the provisionally adopted rule allowing a cobble-trapping fence to be in place only between October 1st and April 1st is removed and replaced with a provision allowing a cobble-trapping fence to be in place year-round;
- 4. A provision is added allowing a cobble-trapping fence only if it is landward of an existing seawall in a developed area; and
- 5. The requirement in the provisionally adopted rule that a cobble-trapping fence must be placed no more than 15 feet in front of the building is removed.

The Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

COMMITTEE AMENDMENT

R 019

SUMMARY

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This amendment authorizes the adoption of portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a major substantive rule of the Department of Environmental Protection if:

1. "Cobble" and "cobble-trapping fence" are defined; and

2. A cobble-trapping fence is allowed to be in place year-round, is allowed only if the fence is landward of an existing seawall in a developed area and is not required to be placed 15 feet or less in front of a building.