MAINE STATE LEGISLATURE

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1	L.D. 1031
2	Date: 5/18/11 Majority (Filing No. H28/)
3	ENVIRONMENT AND NATURAL RESOURCES
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	125TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT "A" to H.P. 765, L.D. 1031, Bill, "An Act To Amend the Laws Governing Significant Wildlife Habitat"
11 12	Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:
13 14	'Sec. 1. 38 MRSA §480-BB, sub-§2, as enacted by PL 2005, c. 116, §5, is repealed and the following enacted in its place:
15 16	2. Certain landowners not subject to regulation. Provide the following exemptions to regulation.
17 18 19 20	A. A landowner proposing to cause an impact on the buffer area defined for a significant vernal pool habitat is not subject to regulation pursuant to the rule if the significant vernal pool habitat depression is not on property owned or controlled by that landowner.
21 22 23 24 25 26	B. If a vernal pool depression is bisected by a property boundary and a landowner proposing to cause an impact does not have permission to enter the abutting property, only that portion of the vernal pool depression located on property owned or controlled by that landowner may be considered in determining whether the vernal pool is significant. A written department determination that a vernal pool is not significant pursuant to this paragraph remains valid regardless of timeframe;
27 28	Sec. 2. 38 MRSA §480-BB, sub-§4, as enacted by PL 2005, c. 116, §5, is amended to read:
29 30 31 32	4. Department of Environmental Protection may not assess fine in certain cases. Provide that the Department of Environmental Protection may not assess a fine against a landowner who acted in accordance with a written field determination if the fine would be based solely on information in the written field determination; and
33 34	Sec. 3. 38 MRSA §480-BB, sub-§5, as enacted by PL 2005, c. 116, §5, is amended to read:

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is not significant.

1 2 3 4	voluntarily identify the landowner's land as a significant vernal pool habitat and to provide the Department of Inland Fisheries and Wildlife the authority to map the significant vernal pool habitat, and
5	Sec. 4. 38 MRSA §480-BB, sub-§6 is enacted to read:
6 7 8	6. Artificial vernal pool. Explicitly provide that an artificial vernal pool is exempted from regulation as long as the vernal pool was not created in connection with a compensation project pursuant to section 480-Z.
9	Sec. 5. PL 2007, c. 533, §3, sub-§1, ¶A is amended to read:
.0 .1 .12 .13	A. When a vernal pool habitat has not previously been determined to be significant and the Department of Environmental Protection or the Department of Inland Fisheries and Wildlife makes a determination concerning whether the vernal pool habitat is significant, either department may determine that the vernal pool habitat is not significant if:
15 16	(1) The vernal pool is located in southern Maine and dries out after spring filling and before July 15th based on winter, spring and early summer precipitation; or
17 18	(2) The vernal pool is located in northern Maine and dries out after spring filling and before July 31st based on winter, spring and early summer precipitation.
19 20 21	Sec. 6. Routine technical rules. Notwithstanding the Maine Revised Statutes Title 38, section 480-BB, rules adopted pursuant to this Act are routine technical rules at defined in Title 5, chapter 375, subchapter 2-A.'
22	SUMMARY
23 24 25 26	This amendment replaces the bill. The bill proposes to remove the mapped habitate provision in the exemption for forest management activities under the Natural Resource Protection Act. The amendment directs the Department of Environmental Protection to amend its rules to:
27 28 29 30	1. Provide that if a vernal pool depression is bisected by a property boundary, only that portion of the vernal pool depression located on the property of the landowne proposing to cause an impact may be considered in determining whether the vernal pool is significant;
31 32	2. Provide that an artificial vernal pool is exempt from regulation as long as th vernal pool was not created in connection with a compensation project; and

FISCAL NOTE REQUIRED (See attached)

3. Remove seasonal precipitation as a factor in determining that a vernal pool habitat

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125th MAINE LEGISLATURE

LD 1031

LR 1522(02)

An Act To Amend the Laws Governing Significant Wildlife Habitat

Fiscal Note for Bill as Amended by Committee Amendment "\(\int \)"

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

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

Fiscal Detail and Notes

Requiring the Department of Environmental Protection (DEP) to amend its rules regarding vernal pools in the manner set forth by this bill will result in minor costs which DEP can absorb within existing budgeted resources and a negligible reduction in related permit fee application revenues to DEP.