

MAINE STATE LEGISLATURE

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Date: 5/18/11

Majority

L.D. 1031
(Filing No. H-281)

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. 765, L.D. 1031, Bill, "An Act To Amend the Laws Governing Significant Wildlife Habitat"

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

Sec. 1. 38 MRSA §480-BB, sub-§2, as enacted by PL 2005, c. 116, §5, is repealed and the following enacted in its place:

2. Certain landowners not subject to regulation. Provide the following exemptions to regulation.

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.

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;

Sec. 2. 38 MRSA §480-BB, sub-§4, as enacted by PL 2005, c. 116, §5, is amended to read:

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~~

Sec. 3. 38 MRSA §480-BB, sub-§5, as enacted by PL 2005, c. 116, §5, is amended to read:

COMMITTEE AMENDMENT



Approved: 05/12/11 *MAC*

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 "A"

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.