

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

amy
R O F S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

Date: 3/8/12

Minority

L.D. 1797
(Filing No. H-756)

ENVIRONMENT AND NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1323, L.D. 1797, "Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule, a Major Substantive Rule of the Department of Environmental Protection"

Amend the resolve by striking out all of section 1 (page 1, lines 14 to 17 in L.D.) and inserting the following:

'Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 305: Permit by Rule, 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 if the following changes are made.

1. The portion of the rule designated as standards for new activities in an upland area on a lot in a moderate value inland waterfowl and wading bird habitat and that contains no development area must be amended to change from 150 feet to 100 feet:

A. The minimum distance that new structures must be located landward of the upland edge or forested wetland edge of the inland wetland complex within the waterfowl and wading bird habitat;

B. The distance from the upland edge or forested wetland edge of the inland wetland complex within the waterfowl and wading bird habitat beyond which no more than 20% of the applicant's land within the habitat may be cleared or developed; and

C. The distance from the upland edge or forested wetland edge of the inland wetland complex within the waterfowl and wading bird habitat within which cutting and removal of vegetation is limited as otherwise provided for in the rule.

2. The note in section 20, paragraph A regarding exterior lighting must be amended to provide that if exterior lighting is anticipated to extend into the habitat within the 100-foot setback, the department may request a detailed lighting plan.'

COMMITTEE AMENDMENT

1
2
3
4

SUMMARY

This amendment is the minority report of the committee. The amendment changes from 150 feet to 100 feet the setback within which specified activities may occur within upland areas in moderate value inland waterfowl and wading bird habitat.

FISCAL NOTE REQUIRED
(See attached)



125th MAINE LEGISLATURE

LD 1797

LR 2729(02)

Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule, a Major Substantive Rule of the Department of Environmental Protection

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-751)

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor revenue decrease - Other Special Revenue Funds

Fiscal Detail and Notes

The bill would expand the number of development projects that can be issued a permit utilizing the permit-by-rule process under the Natural Resources Protection Act rather than a standard permit. The fee assessed by the Department of Environmental Protection for the issuance of a permit-by-rule is lower than the fee for a standard permit, which will result in a minor reduction of funds to the Maine Environmental Protection Fund.