

# MAINE STATE LEGISLATURE

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DMG  
R. 0. 9

L.D. 793

Date: 5/8/13

Minority

(Filing No. H-143)

**ENVIRONMENT AND NATURAL RESOURCES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 544, L.D. 793, Bill, "An Act Clarifying the Department of Environmental Protection's Authority Relating to Compensation for Development Activity under the Natural Resources Protection Act"

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

**Sec. 1. 38 MRSA §480-Z, first ¶**, as amended by PL 2007, c. 527, §1, is further amended to read:

The department may establish a program providing for compensation of unavoidable losses to an area listed in subsection 7 due to a proposed activity. Compensation must include the restoration, enhancement, creation or preservation of an area or areas that have functions or values similar to the area impacted by the activity, unless otherwise approved by the department. Preservation may include protection of uplands adjacent to an area. The department may not require compensation in the form of restoration, enhancement, creation or preservation if an applicant provides a compensation fee pursuant to this section.

**Sec. 2. 38 MRSA §480-Z, 2nd ¶**, as enacted by PL 1997, c. 101, §1 and affected by §2, is amended to read:

The department may require that compensation include the design, implementation and maintenance of a compensation project or, in lieu of such a project, ~~may shall~~ allow the applicant to purchase credits from a mitigation bank or to pay a compensation fee. The department may not require a compensation fee if the applicant elects to provide compensation in the form of restoration, enhancement, creation or preservation of an area or areas that have functions or values similar to the area impacted by the activity. If compensation is required, the completion and maintenance of a project, purchase of credits or payment of a compensation fee must be a condition of the permit.'

**COMMITTEE AMENDMENT**

R. 0. 8.

COMMITTEE AMENDMENT "A" to H.P. 544, L.D. 793

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### SUMMARY

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This amendment, which is the minority report of the committee, replaces the bill.

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The amendment clarifies that the Department of Environmental Protection may not

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require compensation in the form of restoration, enhancement, creation or preservation if

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an applicant provides a compensation fee and may not require a compensation fee if an

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applicant chooses to provide compensation in the form of restoration, enhancement,

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creation or preservation.