

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 793

H.P. 544

House of Representatives, March 5, 2013

**An Act Clarifying the Department of Environmental Protection's
Authority Relating to Compensation for Development Activity
under the Natural Resources Protection Act**

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CAMPBELL of Orrington.
Cosponsored by Representatives: JOHNSON of Eddington, VEROW of Brewer, Senator:
YOUNGBLOOD of Penobscot.

1 **Be it enacted by the People of the State of Maine as follows:**

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

4 The department may require that compensation include the design, implementation
5 and maintenance of a compensation project or, in lieu of such a project, may allow the
6 applicant to purchase credits from a mitigation bank or to pay a compensation fee. The
7 department may not require a form of compensation if the applicant prefers an alternative
8 form of compensation allowed under this section and approved by the department. If
9 compensation is required, the completion and maintenance of a project, purchase of
10 credits or payment of a compensation fee must be a condition of the permit.

11 **SUMMARY**

12 This bill prohibits the Department of Environmental Protection from requiring one
13 form of compensation for damages to wetlands or certain bird habitats resulting from a
14 proposed development activity under the Natural Resources Protection Act if the
15 applicant proposing the activity prefers an alternative form of compensation.