

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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.’

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.