

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. Mac Jailand

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:

Sec. 1. 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 allow the applicant to purchase credits from a mitigation bank or to pay a compensation fee. The department may not require a form of compensation if the applicant prefers an alternative form of compensation allowed under this section and approved by the department. 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.

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.