

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

Amend the bill by striking out all of section 5 and inserting the following:

‘**Sec. 5. 38 MRSA §480-Q, sub-§14**, as amended by RR 1993, c. 1, §117, is further amended to read:

14. Lawful harvesting of marine organisms or vegetation in coastal wetlands. A person lawfully engaged in the harvesting of marine organisms or vegetation under the provisions of Title 12, chapter 605 is not required to obtain a permit to engage in those activities in a coastal wetland or a coastal wetland containing a high or moderate value wading bird habitat or shorebird feeding or staging area. Within a coastal wetland, the removal of vegetation or displacement of soil associated with or authorized by those lawful activities is not a violation of this article; and’

Amend the bill in section 7 in §480-CC in subsection 1 in paragraph A in the 2nd line (page 3, line 9 in L.D.) by striking out the following: "75-foot-wide" and inserting the following: '100-foot-wide'

Amend the bill in section 7 in §480-CC in subsection 2 in the blocked paragraph in the first line (page 3, line 18 in L.D.) by striking out the following: "or feeding"

Amend the bill in section 7 in §480-CC in subsection 2 in paragraph C in the last line (page 3, line 28 in L.D.) by inserting after the following: "view" the following: 'unless the department, in consultation with the Department of Inland Fisheries and Wildlife, determines there will be no unreasonable impact on the protected resource'

Amend the bill in section 8 in §480-DD in the 2nd line (page 3, line 31 in L.D.) by inserting after the following: "development" the following: 'or topography'

Amend the bill in section 8 in §480-DD in the first paragraph in the next to the last line (page 3, line 36 in L.D.) by inserting after the following: "due to the" the following: 'topography or'

Amend the bill in section 8 in §480-DD in subsection 1 in the last line (page 4, line 2 in L.D.) by inserting after the following: "land use" the following: ', presence of cliffs or bluffs'

Amend the bill by inserting after section 8 the following:

‘**Sec. 9. 38 MRSA §480-EE** is enacted to read:

§ 480-EE. Significant wildlife habitat criteria; inland open water

Regardless of its identification on maps as a high or moderate value waterfowl and wading bird habitat, an upland area adjacent to a great pond is not considered high or moderate value waterfowl and wading bird habitat for purposes of this article unless the upland area is within 250 feet of one or more freshwater wetlands that are high or moderate value waterfowl and wading bird habitat.

Sec. 10. 38 MRSA §480-FF is enacted to read:

§ 480-FF. Notification of identification of significant wildlife habitat

If an area is identified by the Department of Inland Fisheries and Wildlife as the type of area listed in section 480-B, subsection 10, paragraph B after the effective date of this section, the department shall notify each municipality in which the significant wildlife habitat is located and members of the Legislature who represent residents of the municipality in which the significant wildlife habitat is located. The department and the Department of Inland Fisheries and Wildlife shall report to the joint standing committees of the Legislature having jurisdiction over natural resources matters and inland fisheries and wildlife matters on any action taken pursuant to this section.'

Amend the bill in section 13 in the 2nd line (page 4, line 38 in L.D.) by striking out the following: "480-CC and 480-DD" and inserting the following: '480-CC, 480-DD and 480-EE'

Amend the bill in section 14 by adding at the end the following:

'The Department of Environmental Protection shall amend its rules to clarify that if significant wildlife habitat is not fully contained within a freshwater wetland, the department does not have adjacency jurisdiction under the Maine Revised Statutes, Title 38, section 480-C.'

Amend the bill by inserting after section 14 the following:

'Sec. 15. Mitigation and compensation standards. The Department of Environmental Protection shall develop a proposal for mitigation and compensation standards for tidal and freshwater significant wildlife habitat. By January 5, 2008, the department shall report to the Joint Standing Committee on Natural Resources on its proposal, including any legislation necessary to implement the proposal. The Joint Standing Committee on Natural Resources may submit legislation related to the proposal to the 123rd Legislature.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment clarifies that a person lawfully harvesting marine organisms or vegetation is not required to obtain a permit under the natural resources protection laws to engage in those activities in a coastal wetland containing a high or moderate value wading bird habitat or shorebird feeding or staging area.

It removes from the bill the provision that repeals the exemption for alteration of freshwater wetlands associated with the construction, operation, maintenance or repair of an interstate pipeline.

It changes the definition of "shorebird feeding area" that is in the bill to include a 100-foot-wide surrounding buffer.

It removes from the bill supplemental cutting standards for shorebird feeding buffers.

It allows the Department of Inland Fisheries and Wildlife to determine that an area is not a significant wildlife habitat due to the topography in existence on June 8, 2006.

It clarifies that upland areas that abut open water on great ponds and are more than 250 feet from freshwater wetlands are not regulated under the natural resources protection laws.

It requires the Department of Environmental Protection to notify municipalities and members of the Legislature who represent residents of those municipalities if a shorebird nesting, feeding or staging area, a significant vernal pool habitat or a high or moderate value waterfowl and wading bird habitat is identified by the Department of Inland Fisheries and Wildlife after the effective date of the bill.

It requires the Department of Environmental Protection to amend its rules to clarify that significant wildlife habitat that is not fully contained within a freshwater wetland is not subject to the department's adjacency jurisdiction under the Maine Revised Statutes, Title 38, section 480-C.

It requires the Department of Environmental Protection to develop a proposal for mitigation and compensation standards for tidal and freshwater significant wildlife habitat.