

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 936

H. P. 730

House of Representatives, February 15, 1973

Referred to Committee on Natural Resources. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Briggs of Caribou.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT to Establish a Water Quality Related Great Ponds Program in
Department of Environmental Protection.**

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

Sec. 1. R. S., T. 38, c. 3, sub-c. I, Article 1-A, additional. Subchapter I of chapter 3 of Title 38 of the Revised Statutes is amended by adding a new Article 1-A, to read as follows:

ARTICLE 1-A. GREAT PONDS PROGRAM

§ 380. Findings; purpose

The Legislature finds and declares and recognizes that great ponds have great scenic beauty and unique characteristics unsurpassed recreational, cultural, historical and environmental value of present and future benefits to the citizens of the State; and that uses are causing the rapid acceleration of the eutrophication of these great ponds and threatening the health, safety and general welfare of the citizens of Maine.

The Legislature further finds and declares that it is in the best interest of the people of Maine to provide for the orderly protection, management and reclamation of these great ponds.

The Legislature further finds and declares that the protection and enhancement of the environment of great ponds is a matter of high urgency and priority and that this environment is being endangered by unwise uses and ill-planned development.

The Legislature further finds and declares that although there are a number of existing state agencies, commissions, boards or similar entities administer-

ing various statutes and programs relating to great ponds, all of which are worthwhile and worthy of continuing support, the critical nature of the problem attending great ponds requires coordination and leadership.

The Legislature further recognizes that existing water related environmental statutes and programs were basically developed for free-flowing bodies of waters, such as rivers and streams, and as such are not adequate for application in protecting and reclaiming the water quality of great ponds, and that there is a need to facilitate research, develop programs and establish sound environmental standards that will prevent the degradation of and will encourage the enhancement of great ponds.

It is the intention of the Legislature that existing programs related to great ponds continue in their present form and that the Department of Environmental Protection provide coordination and vigorous leadership to develop new programs to achieve the purpose of this chapter.

§ 381. Great pond defined

Great pond shall include any inland body of water which in its natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres, the shore of which is owned by 2 or more persons.

§ 382. Powers and duties

1. **Criteria.** The board shall establish, after public hearing, criteria for classifying great ponds according to their trophic conditions and stages of trophic development. In establishing such criteria, the board shall consider the size, depth and volume of the ponds, the number, size and flow of inlets and outlets, the size of drainage areas, stratification, geology, aquatic plant and animal life and other appropriate physical, chemical and biological characteristics and the statutory water quality classification of these ponds.

2. **Public hearing.** The board shall classify great ponds, after public hearings, in accordance with the criteria it develops.

3. **Guidelines.** The board after public hearing may establish guidelines for land and water use and for sewerage disposal and collection systems and other waste control systems to control, abate and prevent environmental damage to great ponds in each category.

4. **Land and water use.** The board, after public hearing, may establish regulations for land and water use to control, abate and prevent eutrophication of any great pond. In establishing such regulations the board shall consider, but not be limited to, soil conditions, soil suitability, climatic conditions, topography, available pollution abatement and control technology, aquatic life and shall ensure that unwise uses will not threaten, damage or destroy the water quality of great ponds.

5. **Enforcement.** The board shall enforce the regulations established pursuant to subsection 4 for great ponds located within the jurisdiction of any organized city or town. The Maine Land Use Regulation Commission shall

adopt and enforce standards which are at least as restrictive as any regulations adopted by the board pursuant to subsection 4 for great ponds not located within the jurisdiction of any organized city or town.

§ 383. Data bank

The Department of Environmental Protection may maintain, in cooperation with other State agencies, a data bank containing all the known information pertaining to all great ponds within the State. All governmental agencies, state or federal, shall make available to the department such information in their possession relating to great ponds.

§ 384. Research

The Department of Environmental Protection is authorized to conduct research and studies to determine how water quality in great ponds can be restored and enhanced.

§ 385. Funds

The Department of Environmental Protection is the public agency of the State authorized to accept funds, public and private, for the purposes of this chapter.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Department of Environmental Protection the sum of \$100,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1973-74	1974-75
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Personal Services	(3) \$30,000	(3) \$33,000
All Other	18,800	16,200
Capital Expenditures	1,200	800
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Total	\$50,000	\$50,000

Any unexpended balance shall not lapse but remain a continuing carrying account.

STATEMENT OF FACT

This bill recognizes the high value and fragile nature of the water quality of great ponds. It empowers the Department of Environmental Protection to study great ponds, classify them according to their stages of trophic development, conduct research with a view towards safeguarding this public resource and to enact reasonable regulations which may be necessary to ensure the integrity of great ponds.