

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 713

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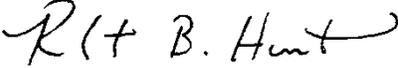
H.P. 489

House of Representatives, March 5, 2015

### Resolve, To Further Protect Lake Water Quality

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

  
ROBERT B. HUNT  
Clerk

Presented by Representative HILLIARD of Belgrade.  
Cosponsored by Senator SAVIELLO of Franklin and  
Representative: BLACK of Wilton.

1           **Sec. 1. Department of Environmental Protection; shoreland zoning rules.**

2           **Resolved:** That the Department of Environmental Protection shall, as soon as  
3 practicable, amend its Rule Chapter 1000: Guidelines for Municipal Shoreland Zoning  
4 Ordinances in effect on the effective date of this resolve to reflect the following changes:

5           1. The rules must require that all new principal and accessory structures using solid  
6 wall foundations be set back at least 112 feet, horizontal distance, from the normal high-  
7 water line of great ponds classified GPA, rivers that flow to great ponds classified GPA,  
8 the upland edge of any wetland contiguous to great ponds classified GPA and the upland  
9 edge of any wetland contiguous to rivers that flow to great ponds classified GPA;

10          2. The rules must require that one of the following methods of phosphorus mitigation  
11 be employed if the footprint of any structure is enlarged within the setback area:

12           A. The retention of an existing undisturbed natural wooded buffer strip between the  
13 structure and the water body at least 50 feet in depth;

14           B. The creation of a 50-foot natural wooded buffer strip by allowing a 50-foot strip  
15 of land to revert to natural vegetation. The rules must require natural woody  
16 vegetation to be planted within the strip if lacking; or

17           C. The construction of an infiltration system designed to accommodate the runoff  
18 from the entire structure that would be generated by a 24-hour, 2-inch rainfall. The  
19 rules must require that this system be approved by a code enforcement officer prior to  
20 construction; and

21          3. The rules must require that the following provisions be met for the location of  
22 wells within the setback area:

23           A. The access corridor for equipment does not exceed 20 feet in width and follows  
24 any existing or proposed footpath. The rules must require that a code enforcement  
25 officer approve expansion of the 20-foot limit, but only to the minimum extent  
26 necessary to provide reasonable access for equipment;

27           B. All slag is removed from the ground, no erosion occurs as a result of construction  
28 and no sediment enters any adjacent body of water as a result of construction; and

29           C. All areas not covered by the footpath are immediately stabilized and fully  
30 revegetated within 9 months; and be it further

31           **Sec. 2. Stakeholder group; report. Resolved:** That the Commissioner of  
32 Environmental Protection shall convene a stakeholder group to conduct a study regarding  
33 the Department of Environmental Protection's Rule Chapter 1000: Guidelines for  
34 Municipal Shoreland Zoning Ordinances in effect on the effective date of this resolve.  
35 The commissioner or the commissioner's designee shall serve as chair of the stakeholder  
36 group and, at a minimum, invite the participation of representatives of lake associations,  
37 municipalities, real estate brokers and developers, foresters and environmental protection  
38 advocacy organizations. The department shall provide staffing support to the stakeholder  
39 group. The stakeholder group shall review the department's shoreland zoning rules in  
40 effect between January 1, 2005 and the effective date of this resolve to evaluate the  
41 effectiveness of those rules in protecting and preserving the habitat, environment and

1 resources within the shoreland zone and in regulating land use activities within the  
2 shoreland zone and may develop recommendations for amending the shoreland zoning  
3 rules in effect on the effective date of this resolve to better preserve and protect resources  
4 and regulate activity within the shoreland zone. The commissioner shall report the  
5 stakeholder group's findings and recommendations, including any proposed implementing  
6 legislation, to the Joint Standing Committee on Environment and Natural Resources by  
7 January 1, 2016. The committee may report out a bill relating to those recommendations  
8 to the Second Regular Session of the 127th Legislature.

9 **SUMMARY**

10 This resolve directs the Department of Environmental Protection to, as soon as  
11 practicable, amend its Rule Chapter 1000: Guidelines for Municipal Shoreland Zoning  
12 Ordinances in effect on the effective date of this resolve to reflect a number of changes,  
13 including changes to setbacks for new principal and accessory structures, phosphorus  
14 mitigation requirements in conjunction with the expansion of the footprint of a structure  
15 within the setback area and requirements for the location of wells within the setback area.  
16 The resolve also directs the Commissioner of Environmental Protection to convene a  
17 stakeholder group to conduct a study regarding the effectiveness of the department's  
18 shoreland zoning rules since January 1, 2005 and to report its findings and any  
19 recommendations for legislation to the Joint Standing Committee on Environment and  
20 Natural Resources by January 1, 2016. The committee may report out a bill relating to  
21 those recommendations to the Second Regular Session of the 127th Legislature.