

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

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**Legislative Document**

**No. 1321**

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H. P. 911

House of Representatives, March 2, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Trask of Milo.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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**AN ACT Relating to Differential Use of Coastal Flats, Marshes, Meadows and Swamps.**

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

**R. S., T. 12, Part 4, additional.** Title 12 of the Revised Statutes is amended by adding a new Part 4, to read as follows:

**PART 4**

**USE OF COASTAL AREAS**

**CHAPTER 421**

**DIFFERENTIAL USE OF COASTAL FLATS, MARSHES,  
MEADOWS AND SWAMPS**

§ 4661. Purpose

It is the purpose of this chapter to establish differential use of flats, marshes, meadows and swamps, bordering on tidal waters, for the protection, preservation and development of fisheries, game and wildlife, by controlling the use of such areas, and any changes thereto, by the owners thereof or by any other persons.

§ 4662. Licenses; procedure

No person shall remove, fill or dredge any flat, marsh, meadow or swamp bordering on tidal waters without first obtaining a license to do so. Application for a license shall be made in writing to the Commissioner of Sea and Shore Fisheries, who, together with the Commissioner of Inland Fisheries and Game, shall constitute a board to determine whether such license shall be granted.

Said board, or its designated representatives, shall hold a public hearing on said application within 20 days of the receipt of the application; and shall give 14 days notice by mail to the applicant, and notice to the public by publication in a local newspaper, of the time and place of said hearing. The board shall keep a verbatim record of the proceedings at said hearing. The board may, in its discretion, issue a license to such applicant, if in its judgment the proposed removal, filling or dredging will not adversely affect the fisheries, game or wildlife in the area, and subject to such conditions as they may deem necessary.

#### § 4663. Penalties

Whoever removes, fills or dredges any flat, marsh, meadow or swamp bordering on tidal waters without first obtaining such license shall, upon conviction thereof, be punished by a fine of not more than \$100 or by imprisonment for not more than 6 months, or by both, and the Superior Court shall have jurisdiction to enjoin a violation of this section.

#### § 4664. Appeal

An applicant aggrieved by the denial of a license, or by the conditions stated in a license, may within 30 days of such denial or granting of a conditional license, appeal to the Superior Court of the county in which the land is situated, the party defendant to be the State. Within 15 days after service of the complaint upon the Attorney General or within such extension of time as the court may grant, he shall cause said board to certify the record of the hearing to said court. The presiding justice shall determine upon such record whether or not the action of the board was arbitrary. An appeal may be taken to the law court as in other actions.

#### § 4665. Exemptions

Any department or agency of the State, or any project authorized by Special Act of the Legislature, shall be exempted from this chapter.