

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1597

S. P. 612

In Senate, April 25, 1967

Reported by Senator Sewall of Penobscot, from Committee on Natural Resources. Printed under Joint Rules No. 18.

JERROLD B. SPEERS, Secretary

Presented by Senator Sewall of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT to Regulate the Alteration of Wetlands.

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

R. S., T. 12, Part 5, additional. Title 12 of the Revised Statutes is amended by adding a new Part 5 to read as follows:

PART 5

WETLANDS

CHAPTER 421

WETLANDS

§ 4701. Procedure; hearing

No person, agency or municipality shall remove, fill, dredge or drain sanitary sewage into, or otherwise alter any swamp, marsh, bog, beach, flat or other wetland bordering inland or costal waters, or fill, dredge or drain sanitary sewage into such waters within such area, without filing written notice of his intention to do so, including such plans as may be necessary to describe the proposed activity, with the municipal officers in the municipality affected and with the Wetlands Control Board. Such notice shall be sent to each body by registered mail at least 60 days before such alteration is proposed to commence. The municipal officers shall hold a public hearing on the proposal within 30 days of receipt of the notice and shall notify by mail the person proposing the alteration and the public by publication in a newspaper published in the county where the wetlands are located, the Wetlands Control Board and all abutting owners of the hearing.

§ 4702. Permits

Permit to undertake the proposed alteration shall be issued by the municipal officers within 7 days of such hearing providing the Wetlands Control Board approves. Such permit may be conditioned upon the applicant amending his proposal to take whatever measures are necessary to protect the public interest. Approval may be withheld by either the municipal officers or the board when in the opinion of either body the proposal would threaten the public safety, health or welfare, would adversely affect the value or enjoyment of the property of abutting owners, or would be damaging to the conservation of public or private water supplies or of wildlife or freshwater, estuarine or marine fisheries.

§ 4703. Unorganized territory; 2 or more municipalities

In the event that the activity is proposed within an unorganized township, the county commissioners shall act in the place of municipal officers. In the event that the activity is proposed in 2 or more municipalities, the respective municipal officers shall act concurrently.

§ 4704. Appeal

Appeal may be taken to the Superior Court within 30 days after the denial of a permit or the issuance of a conditional permit for the purpose of determining whether the action appealed from so restricts the use of the property as to deprive the owner of the reasonable use thereof, or is an unreasonable exercise of police power, or constitutes the equivalent of a taking without compensation. The court upon such a finding may set aside or amend the action appealed from.

§ 4705. Wetlands Control Board

The Wetlands Control Board shall be composed of the Commissioners of Sea and Shore Fisheries and of Inland Fisheries and Game, the Chairman of the Water Improvement Commission, the Chairman of the State Highway Commission and the Forest Commissioner or their delegates.

§ 4706. Application

Section 4701 shall not apply to any alteration of wetlands undertaken as a bona fide emergency action providing that the person undertaking such action notifies the municipal officers and the Wetlands Control Board within 3 days of commencing such action, and providing that such action does not result in permanent alteration unless authorization be obtained pursuant to section 4701.

§ 4707. Exemptions

The Wetlands Control Board may, by rule or regulation exempt from this chapter such activity or activities or waive such procedural requirements as it deems not inconsistent with the purposes of this chapter.

§ 4708. Exception

Nothing in this chapter shall prohibit the normal maintenance or repair of presently existing ways, roads or railroad beds nor the construction, maintenance and repair of private roads and bridges required or convenient to agriculture, or in a logging or lumbering operation, abutting or crossing said wetlands, provided no watercourse is substantially altered.

§ 4709. Violation

Whoever willfully violates any provisions of this chapter shall be punished by a fine of not more than \$100 and the Superior Court shall have jurisdiction to restrain a continuing violation of this chapter at the suit of any person.