

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 711

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H. P. 538

House of Representatives, February 9, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Lund of Augusta.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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AN ACT Relating to Certain Laws Relative to Great Ponds.

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

Sec. 1. R. S., T. 12, § 514, sub-§ 3, ¶¶ B and C, repealed and replaced. Paragraphs B and C of subsection 3 of section 514 of Title 12 of the Revised Statutes, as amended, are repealed and the following enacted in place thereof:

B. Permits for dredging in great ponds or in tributary rivers or streams thereof; or for erection and maintenance of causeways, bridges, marinas, wharves and permanent structures, or deposit of fill, in, on, over or abutting on great ponds or tributary rivers or streams thereof.

Prior to the granting of such a permit the commissioner shall consult with and obtain the approval of the Maine Mining Bureau, the Environmental Improvement Commission, the Commissioner of Inland Fisheries and Game and the State Park and Recreation Commission. The commissioner may, pursuant to the Administrative Code, adopt, amend and repeal such regulations, establish such hearing procedures and charge such fees as he deems necessary to properly administer this paragraph. Fees collected shall accrue to the commissioner and shall be expended by him for expenses incurred in carrying out his duties, and to reimburse the state agencies above mentioned for expenses incurred in carrying out their duties, prescribed by this paragraph.

If the applicant for the permit demonstrate to the satisfaction of the commissioner and the state agencies above mentioned that the proposed activity will not unreasonably interfere with existing recreational, navigational, scenic and aesthetic uses; nor harm any fish or wildlife habitat; nor lower the quality of any waters; nor create or cause to be created un-

reasonable noise or traffic of any nature; nor cause unreasonable soil erosion nor interfere with the natural flow of any waters; nor otherwise unreasonably interfere with or harm the natural environs of the great pond or tributary river or stream, the commissioner shall grant the permit upon such terms as he deems necessary to insure that the proposed activity will comply with the foregoing standards.

For purposes of this section "great ponds" shall include inland bodies of water which in their natural state have a surface area in excess of 10 acres, and any body of water artificially formed or increased which has a surface areas in excess of 30 acres, the shore of which is owned by two or more persons, firms, corporations or other legal entities.

Any person, firm, corporation, municipality, state agency or other legal entity who dredges or removes or causes to be dredged or removed any materials from, or who erects, maintains or causes to be erected or maintained any causeway, bridge, marina, wharf, dock or permanent structure, or deposits fill in, on, over or abutting on any great pond or tributary river or stream thereof without a permit from the commissioner as provided in this section shall be punished by a fine of not less than \$200 nor more than \$100 for each day of such violation.

In the event of the violation of this paragraph, the Attorney General may institute proceedings to enjoin further violations and to compel restoration of the affected area to its condition prior to the occurrence of the violation.

Sec. 2. R. S., T. 5, § 2301, sub-§ 1, amended. Subsection 1 of section 2301 of Title 5 of the Revised Statutes, as amended, is further amended by inserting before the 12th paragraph from the end the following new paragraph:

**Forest Commissioner.**

### STATEMENT OF FACT

The purpose of section 1 of this bill is to clarify the already existing regulatory powers of the Forest Commissioner in regard to activities in great ponds and their tributaries. The bill allows the commissioner to establish uniform, workable procedures in place of the existing procedure which has proved confusing in practice. Under this amendment the purposes of the existing legislation will be achieved but with considerably greater flexibility. The amendment provides standards for judging the permissibility of any such proposed activity. It also provides penalties and remedies for violations where none existed before. Section 2 adds the Forest Commissioner to those department heads who can make use of the Administrative Code.