

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
105TH LEGISLATURE

SENATE AMENDMENT "A" to H. P. 1374, L. D. 1791, Bill,
"Act Relating to Certain Laws Relative to Great Ponds."

Amend said Bill by striking out everything after the
enacting clause and inserting in place thereof the following:

'Sec. 1. R. S., T. 12, § 514, amended. The first paragraph
of section 514 of Title 12 of the Revised Statutes, as repealed and
replaced by section 13 of chapter 226 of the public laws of 1965
and as amended by section 11 of chapter 590 of the public laws
of 1969, is further amended to read as follows:

The commissioner may take the following action on state
lands specified in section 504 ~~and on other lands specified herein~~
under the direction of the Governor and Council and on such terms
as they direct:

Sec. 2. R. S., T. 12, § 514, sub-§ 3, §§ B and C, repealed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of Title 12 of the Revised Statutes, as amended, are repealed and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 construction 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; or for dredging
in great ponds.

The commissioner shall consult with and obtain the approval
of the Environmental Improvement Commission, the Commissioner
of Inland Fisheries and Game, the Maine Mining Bureau and

(Filing No. B-297)

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The State Park and Recreation Commission prior to the granting of such a permit. 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 to reimburse the state agencies for expenses incurred in carrying out their duties and for expenses incurred in carrying out his duties, prescribed by this paragraph.

If the applicant for the permit demonstrates that the proposed activity will not unreasonably interfere with existing recreational, navigational, scenic and aesthetic uses; nor otherwise unreasonably interfere with or harm the natural environs of the great pond or tributary river or stream; nor cause unreasonable soil erosion nor interfere with the natural flow of any waters; nor create or cause to be created unreasonable noise or traffic of any nature; nor harm any fish or wildlife habitat; nor lower the quality of any waters, to the satisfaction of the commissioner and the state agencies above-mentioned, 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.

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Any individual 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.

For purposes of this section "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 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, firms, corporations or other legal entities.

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Sec. 3. 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.

Sec. 4. R. S., T. 12, § 2205, repealed and replaced.

Section 2205 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2205. Bulldozing of rivers, streams and brooks

Whoever bulldozes, causes to be bulldozed, fills or dredges between the banks of a river, stream or brook capable of floating watercraft, without first obtaining permission from the commissioner, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100 nor more than \$1,000. This section shall not apply to river, stream or brook crossings in connection with public works projects which shall alter not more than 200 feet of shore nor to private crossing or dam projects which shall not alter more than 100 feet of shore.'

Statement of Fact

It is the intent of this amendment to exempt smaller tributaries from existing law, provide guidelines for the granting of permits and extend the safeguards against bulldozing, filling and dredging in rivers and streams.

Proposed by Senator:
(Greeley)

NAME: *Edwin H. Greeley*

COUNTY: Waldo

Reproduced and distributed pursuant to Senate Rule No. 11A.