

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1791

H. P. 1374

House of Representatives, May 28, 1971

Reported by Mr. Herrick from Committee on Natural Resources and
printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Certain Laws Relative to Great Ponds.

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

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 The first paragraph of section 514 of Title 12 of the Revised Statutes, as repealed and replaced by section 13 of chapter 226 of the public laws of 1965 and as amended by section 11 of chapter 590 of the public laws of 1969, is further amended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 R. S., T. 12, § 514, sub-§ 3, ¶¶ B and C, repealed and replaced. Paragraphs B and C of subsection 3 of section 514 of Title 12 of the Revised Statutes, as amended, are repealed and the following enacted in place thereof: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 dredging in great ponds and for disposal of the materials thereby removed which are not classified as minerals under the mining law provided that prior to the granting of any permit an opportunity for hearing shall be given to any abutting owner and any water utility, and provided that the commissioner has first consulted with and had the approval of the Mining Bureau, the Environmental Improvement Commission and the Commissioner of Inland Fisheries and Game.

C. Permits to littoral proprietors abutting on great ponds or their authorized representatives for the erection and maintenance of permanent causeways, bridges, marinas or fill in great ponds, provided that 7 days prior to the granting of any permit, public notice that the permit will be issued shall be given by publishing same in a newspaper having its principal place of

business in the county where the premises are situated, if any, or if not, in the state newspaper, and provided that an opportunity for hearing before the commissioner shall be given to any owner of riparian rights in the pond concerned claiming within that time to be aggrieved should such permit be granted, and provided that the commissioner has first consulted with and had the approval of the Mining Bureau, the Environmental Improvement Commission, the Commissioner of Inland Fisheries and Game and the State Park and Recreation Commission.

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 area in excess of 30 acres at all times, the shore of which is owned by 2 or more persons, firms, corporations or other legal entities.

Existing encroachments shall be deemed lawful if in conformity with criteria established by the Forest Commissioner by rule or regulation, after having consulted with and had the approval of the Mining Bureau, the Environmental Improvement Commission, the Commissioner of Inland Fisheries and Game and the State Park and Recreation Commission. Each application for a permit shall be accompanied by a permit fee of \$10. Fees collected shall be credited to a special account and may be expended by the Forest Commissioner for any expense incurred in carrying out the purpose of this section.

Sec. 3. R. S., T. 12, § 2205, repealed. Section 2205 of Title 12 of the Revised Statutes is repealed.