

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1024

H. P. 757

House of Representatives, February 21, 1973

Speaker laid before the House and on Motion of Mr. Mills, of Eastport, referred to Committee on Fisheries and Wildlife. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Henley of Norway.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT to Transfer the Responsibility for Bulldozing in Streams from Department of Inland Fisheries and Game to Department of Environmental Protection.

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

Sec. 1. R. S., T. 12, § 2205, repealed and replaced. Section 2205 of Title 12 of the Revised Statutes, as last repealed and replaced by section 36 of chapter 622 of the public laws of 1971, is repealed and the following enacted in place thereof:

§ 2205. Dredging permits and related activities

The Board of Environmental Protection may grant permits for construction and maintenance of causeways, bridges, marinas, wharves and permanent structures, or deposit of fill, in, on, over or abutting on classified rivers, streams or brooks or for dredging in classified rivers, streams or brooks.

The board may, pursuant to the Administrative Code, adopt, amend and repeal such regulations, establish such hearing procedures and charge such fees as it deems necessary to properly administer this section. Fees collected shall accrue to the board and shall be expended by it for expenses incurred in carrying out its duties prescribed by this section.

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 classified rivers, streams or brooks or tributary; 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 board, the board shall grant the permit upon such terms as it deems necessary to insure that the proposed activity will comply with the foregoing standards.

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 classified river, stream or brook without a permit from the board as provided in this section shall be punished by a fine of not less than \$100 nor more than \$200 for each day of such violation.

In the event of the violation of this section, 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.

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.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Department of Environmental Protection the sum of \$31,700 to carry out the purposes of this Act. The breakdown shall be as follows:

	1973-74	1974-75
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Personal Services	(2) \$13,000	(2) 13,650
All Other	2,000	2,000
Capital Expenditures	800	250
	<hr/>	<hr/>
	\$15,800	\$15,900

Any unexpended balance shall be carried forward.

STATEMENT OF FACT

This bill transfers the responsibility for filling and dredging rivers, streams and brooks from the Department of Inland Fish and Game to the Department of Environmental Protection. It also establishes guidelines for issuing permits as well as an appropriation for administering the statute. It is anticipated that one field person and one clerical person will be necessary.