

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1405

H. P. 1082

House of Representatives, March 8, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Goodwin of South Berwick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Amending the Wetlands Control Law to Include Inland Wetlands.

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

Sec. 1. R. S., T. 12, § 4701, amended. The first 2 sentences of section 4701 of Title 12 of the Revised Statutes, as enacted by chapter 348 of the public laws of 1967, and as amended, is further amended to read as follows:

No person, agency or municipality shall remove, fill, dredge or otherwise alter any **inland or** coastal wetland, or drain or deposit sanitary sewage into or on any **inland or** coastal wetland, as defined ~~herein~~, without first obtaining a valid permit. Application for permit, by written notice of intent to alter **inland or** coastal wetlands, including such plans as may be necessary to describe the proposed activity, shall be filed with the municipal officers in the municipality affected and with the Board of Environmental Protection.

Sec. 2. R. S., T. 12, § 4701, amended. The 2nd sentence of the 3rd paragraph of section 4701 of Title 12 of the Revised Statutes, as enacted by chapter 348 of the public laws of 1967, and as amended by section 2 of chapter 336 of the public laws of 1971, is amended to read as follows:

The applicant shall not during the period of deferral remove, fill, dredge, drain or deposit sanitary sewage into or otherwise alter such **inland or** coastal wetland.

Sec. 3. R. S., T. 12, § 4701, amended. Section 4701 of Title 12 of the Revised Statutes, as enacted by chapter 348 of the public laws of 1967, and as amended, is further amended by adding a new paragraph after the 2nd paragraph, to read as follows:

For the purposes of this chapter, inland wetlands is defined as any swamp, marsh or bog which remains wet through most of the year.

Sec. 4. R. S., T. 12, § 4709, amended. The first sentence of the 3rd paragraph of section 4709 of Title 12 of the Revised Statutes, as enacted by chapter 348 of the public laws of 1967, and as repealed and replaced by section 8 of chapter 379 of the public laws of 1969, and as amended by section 10 of chapter 336 of the public laws of 1971, is further amended to read as follows:

A violation is defined as any filling, dredging, draining, depositing, altering or removal of materials which takes place in **inland or** coastal wetlands contrary to the provisions of a valid permit or without a permit having been issued, and without regard to whether these physical acts were witnessed as they were being carried out or whether the action was willfully undertaken to avoid the intent of this chapter or only innocently undertaken.

Sec. 5. R. S., T. 12, § 4754, amended. Section 4754 of Title 12 of the Revised Statutes, as enacted by chapter 541 of the public laws of 1971, is amended to read as follows:

§ 4754. Orders

The board may, from time to time, for the purposes of this subchapter, adopt, amend, modify or repeal orders regulating, restricting or prohibiting dredging, filling, removing or otherwise altering any **inland or** coastal wetland, or draining or depositing sanitary sewage into or on any **inland or** coastal wetland, or otherwise polluting the same.

Sec. 6. R. S., T. 12, § 4755, amended. Section 4755 of Title 12 of the Revised Statutes, as enacted by chapter 541 of the public laws of 1971, and as amended by section 6 of chapter 618 of the public laws of 1971, is further amended to read as follows:

§ 4755. Hearing

The board, before adopting, amending, modifying or repealing any such order, shall hold a public hearing thereon in the municipality in which the **inland or** coastal wetlands to be affected are located, and shall give notice by mail to the municipal officers of such municipalities and to each assessed owner of such wetlands, to the Department of Natural Resources and to the Department of Transportation at least 21 days prior thereto, and to the public by publication in a newspaper published in the county where the wetlands are located, of the time and place of such hearing.

STATEMENT OF FACT

The intent of this legislation is to bring the inland wetlands of the State under the same regulations as the coastal wetlands.