

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to
H.P. 590, L.D. 730, Bill, "AN ACT Relating to the Dredging,
Filling or otherwise Altering Coastal Wetlands."

Amend said Amendment by striking out all of that part
designated "§473." and inserting in place thereof the
following:

'§473. Permit granting authority

An application for a permit, by written notice of intent
to alter coastal wetlands, including such plans as necessary
to describe the proposed activity, shall be filed with the
municipal officers in the municipality affected and with the
Board of Environmental Protection, hereinafter called "the
board," on forms prescribed and in the manner designated by
the board.

All permits shall be issued by the municipal officials,
except that the board shall, at the request of the municipal
officials, or may, by so notifying the municipal officials
within 10 days, assume all responsibility connected with
issuing the permit.'

Further amend said Amendment in that part designated
"§474." by striking out all of the 2nd paragraph and inserting
in place thereof the following: [¶] 'After receipt of a completed
application for a permit, the municipality, within 20 days
or, if appropriate, the board within 30 days, shall either
issue the permit or deny the permit setting forth the reasons

therefor or order a hearing thereon within 20 days of the order for which hearing adequate public notice shall be given. Within 20 days after the adjournment of such hearing, the board or municipality shall either issue the permit or deny the permit setting forth the reasons therefor. In the event that a permit applied for is denied either by the municipality or the board, the applicant may request a hearing before either of the above with reasonable public notice given.

Appeal may be taken to the Superior Court within 30 days after the denial of a permit or the issuance of a conditional permit for the purpose of determining whether the action appealed from so restricts the use of the property as to deprive the owner of the reasonable use thereof or which constitutes the equivalent of a taking without compensation.

In the event that the activity is proposed within an unorganized township, the county commissioners shall act in the place of municipal officers. In the event that the activity is proposed in 2 or more municipalities, the respective municipal officers shall act concurrently.'

Further amend said Amendment in that part designated "§474." by striking out all of the 4th paragraph.

Further amend said Amendment by striking out all of the last 2 paragraphs before the Statement of Fact and inserting in place thereof the following:

'Further amend said Bill in section 3 in that part designated "§477." by striking out all of the 2nd sentence

and inserting in place thereof the following: 'Nothing in this subchapter shall prohibit the maintenance and repair of any existing structure, installation, facility or landscaping, or existing ways, roads or railroad beds nor maintenance and repair of installations and facilities of any utility as defined in Title 23, section 255, abutting or crossing said coastal wetlands, provided no watercourse is substantially altered.'

Further amend said Bill in section 3 by renumbering those parts designated "§474. to §477." to be "§475. to §478."'

Statement of Fact

This amendment provides for municipal officers to issue all permits unless B.E.P. intervenes, shortens all time parameters, provides appeal to Superior Court and allows for repair and maintenance.

Filed by Mr. Morton of Farmington.

Reproduced and distributed under the direction of the Clerk
of the House.
5/20/75

(Filing No. H-422)