

MAINE STATE LEGISLATURE

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S. A.
D O E R.

STATE OF MAINE
SENATE
107TH LEGISLATURE

SENATE 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 20 days, assume all responsibility connected with issuing
the permit.

However, no municipality shall have the power to grant permits
until such time as it has:

1. Planning board. Established a planning board; and
2. Adopted zoning ordinance. Adopted a zoning ordinance
approved by the board and the Land Use Regulation Commission,
pursuant to Title 12, chapter 424; and

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3. Notice. Made provision by ordinance or regulation for prompt notice to the public upon receipt of application and written notification to the applicant and the board of the issuance of or denial of a permit stating the reasons therefor.

In the event \leftarrow \rightarrow the board finds that a municipality has failed to satisfy one or more of the above listed criteria, it shall notify the municipality accordingly and make recommendations through which it may establish compliance. The municipality may then submit a modified application for approval.

If at any time the board determines that a municipality may be failing to exercise its permit granting authority in accordance with its approved procedures or the purposes of this Article as embodied in the standards set forth in section 474, it shall notify the municipality of the specific alleged deficiencies and shall order a public hearing, of which adequate public notice shall be given, to be held in the municipality to solicit public or official comment thereon. Following such hearing, if it finds that such deficiencies will persist, it shall revoke the municipality's permit granting authority. The municipality may reapply for authority at any time.'

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,

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the municipality or the board, as appropriate, 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.

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:

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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 or 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 and provided that the municipality meets certain conditions, shortens all time parameters, provides appeal to Superior Court and allows for repair and maintenance.

(Corson)

NAME:

Nest L. Corson

COUNTY: Somerset

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