

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
107TH LEGISLATURE

SENATE AMENDMENT " B " 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, assume all responsibility connected with issuing  
that municipality's permits.

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

SENATE AMENDMENT " B " to COMMITTEE AMENDMENT "A" to H.P. 590,

L.D. 730

-2-

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 the board finds that a municipality has failed to satisfy one or more of the above listed criteria, it shall assume all responsibility for the issuance of permits within that municipality and shall notify the municipality accordingly and make recommendations through which it may establish compliance.'

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 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 without hearing either by the municipality or the board, the applicant may request a hearing before either of the above with reasonable public notice given.

5 R.

SENATE AMENDMENT "B " to COMMITTEE AMENDMENT "A" to H.P. 590,  
L.D. 730

-3-

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 and inserting in place thereof the following:

'No permit issued by a municipality shall become effective until 20 days subsequent to its issuance. A copy of the application for the permit and the permit issued by the municipality shall be sent to the board immediately upon its issuance by registered mail. The board shall review such permit and either approve, by sending prompt notification to the applicant and the municipality, deny or modify it as it deems necessary. Failure of the board to act within 20 days of the receipt of the permit by the municipality shall constitute its approval and the permit shall be effective as issued.'

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 or maintenance and repair

D OF R.

SENATE AMENDMENT " B " to COMMITTEE AMENDMENT "A" to H.P. 590,  
L.D. 730

-4-

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 BEP intervenes and provided that the  
municipality meets certain conditions, shortens all time parameters  
and allows for repair and maintenance.

(Corson)

NAME:

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COUNTY: Somerset

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