

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

(Filing No. H-609)

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P.
662, L.D. 836, Bill, "AN ACT to Allow Municipal Approval of Routine
Great Ponds Permits."

Amend said Amendment by inserting at the end of
subsection 1 of that part designated "§422-A." the following sentence:
'The board shall not charge a fee for processing of an application
unless the board has assumed all responsibility for issuing
the permit.'

Further amend said Amendment by striking out all of
subsections 3 and 4 of that part designated "§422-A."
and inserting in place thereof the following:

'3. Permit granting authority. An application for a permit
by written notice of intent to take an action described in subsection
1, including such plans as are necessary to describe the proposed
activity, shall be filed with the municipal officers in the
municipality affected and with the Board of Environmental Protection
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.

4. Unorganized or multiple municipalities; appeal.

A. 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.

B. 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.'

Further amend said Amendment in subsection 5 of that part designated "\$422-A." by striking out in the first blocked paragraph in the 4th and 6th lines the underlined figure "30" and inserting in place thereof the underlined figure '20'

Further amend said Amendment in subsection 5 of that part designated "\$422-A." by striking out all of the 3rd underlined blocked paragraph.

Further amend said Amendment by inserting at the end of subsection 9 of that part designated "\$422-A." the following underlined blocked paragraph:

'Nothing in this section shall prohibit the maintenance and repair of any existing structure, installation, facility, landscaping, existing way, road or railroad bed or the maintenance and repair of installations and facilities or any utility as defined in Title 23, section 255, abutting or crossing a great pond.'

Statement of Fact

This amendment permits towns to handle the bulk of great ponds permit applications, permits towns to turn applications over to the Board of Environmental Protection if they wish, permits the board to assume jurisdiction over a great ponds/^{permit}application within 20 days after the application has been filed, establishes appeal procedures from the denial of a great ponds permit, provides for local procedures to handle/^{an}application covering an area in 2 or more municipalities or in the unorganized territories and provides for routine repair and maintenance of existing facilities.

Filed by Mr. Morton of Farmington.

Reproduced and distributed under the direction of the Clerk of the House.
6/2/75

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