

MAINE STATE LEGISLATURE

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(New Title)
New Draft of S. P. 298, J. D. 1024

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1876

S. P. 514

In Senate, May 7, 1975

Reported by Senator O'Leary of Oxford from Committee on Natural Resources and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

**AN ACT to Specify which Activities on Lands Adjacent to Great Ponds,
Rivers, Streams and Brooks Need Permits.**

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

Sec. 1. 12 MRSA § 2206, as enacted by PL 1973, c. 786, § 1, is amended to read:

§ 2206. Prohibitions

No individual person, firm, corporation, municipality, state agency or other legal entity shall dredge or cause to be dredged, fill or cause to be filled, or erect or cause to be erected a causeway, bridge, marina, wharf, dock or other permanent structure, **above tidewater**, in, on or over ~~or abutting~~ any river, stream or brook **or on the land adjacent to any river, stream or brook in such a manner that any dredged spoil, fill or structure may fall or be washed into such waters**, without first obtaining a permit therefor from the commissioner.

Sec. 2. 12 MRSA § 2210, as enacted by PL 1973, c. 786, § 1, is amended to read:

§ 2210. Penalties

Any individual person, firm, corporation, municipality, state agency or other legal entity who dredges or causes to be dredged, fills or causes to be filled or erects or causes to be erected any causeway, bridge, marina, wharf, dock or other permanent structure, **above tidewater**, in, on or over ~~or abutting~~ any river, stream or brook **or on the land adjacent to any such river, stream or**

brook in such a manner that any dredged spoil, fill or structure may fall or be washed into such waters without first obtaining a permit from the commissioner, shall be punished by a fine of not ~~less than \$100 nor~~ more than \$200 for each day of such violation.

Sec. 3. 38 MRSA § 422, first ¶, as enacted by PL 1971, c. 618, § 10, is amended to read:

The Board of Environmental Protection may grant permits for construction and maintenance of causeways, bridges, marinas, wharves and permanent structures, ~~for dredging or for deposit of fill, in, on or over or abutting on any great ponds pond or on the land adjacent to any great pond in such a manner that any dredged spoil, fill or structure may fall or be washed into such waters for dredging in great ponds.~~

Sec. 4. 38 MRSA § 422, 4th ¶, as enacted by PL 1971, c. 618, § 10, is amended to read:

Any individual person, firm, corporation, municipality, state agency or other legal entity who dredges or removes or causes to be dredged or removed any materials from, or who erects, maintains or causes to be erected or maintained any causeway, bridge, marina, wharf, dock or permanent structure, or deposits or causes to be deposited fill in, on or over ~~or abutting on~~ any great pond or on the land adjacent to any great pond in such a manner that any dredged spoil, fill or structure may fall or be washed into the great pond, without a permit from the board as provided in this section shall be punished by a fine of not ~~less than \$100 nor~~ more than \$200 for each day of such violation.

STATEMENT OF FACT

This Act removes the term "abutting" from the Great Ponds Act which has caused much confusion when property owners on great ponds try to determine which activities require a permit. The amendment replaces the term by specifying the kinds of activities which require a permit. In addition, the amendment deletes the minimum fine of \$100 and leaves the fine discretionary up to the present maximum of \$200.

This amendment also adds two sections to the bill to delete the term "abutting" in the law relating to rivers, streams and brooks and describes the activities on land adjacent to rivers, streams or brooks above tidewater that require a permit from the Commissioner of Inland Fisheries and Game. The minimum fine of \$100 has been deleted to permit the court in cases of conviction for violation of the provisions of the Act discretion in setting the fine up to \$200.