MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES   (Filing No. H-457)
109TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 267, L.D. 385, Bill,

"AN ACT to Amend the Stream Alteration Act."

Amend the Bill by striking out everything after the

enacting clause and inserting in its place the following:

'Sec. 1.   38 MRSA §391, first sentence, as enacted by PL

1977, c. 123, §2, is amended to read:

No person shall perform or cause to be performed any of the

following activities without first obtaining a permit from the

Board of Environmental Protection: Dredging or removing materials

from below the normal high water line in -a-great-pond   any

body of inland water; constructing or repairing any permanent

structure below the normal high water line in -a-great-pond

any body of inland water; or depositing any dredged spoil

or fill below the normal high water line in a-great-pond

any body of inland water or on the land adjacent thereto in

such a manner that the material may fall or be washed into

the great-pond inland water or bulldozing or scraping on land

adjacent to a-great-pond any body of inland water in such a manner

that the material or soil may fall or be washed into a-great-pond-

any inland water.

Sec. 2.   38 MRSA §392, sub-§1, as enacted by PL 1977,

c. 123, §2, is amended to read:

1.   Great pond.   "Great pond" shall include any inland

body of water which in its natural state has a surface area

in excess of 10 acres,-and-any-body-of-water-artificially-formed

or-increased-which-has-a-surface-area-in-excess-of-30-acres,

the-shore-of-which-is-owned-by-2-or-more-persons,-firms-or

other-legal-entities.

Sec. 3.   38 MRSA §392, sub-§2, last sentence, as enacted

by PL 1977, c. 123, §2, is amended to read:

All land below the normal high water line shall be considered

the bottom of the great-pond body of inland water for the

purposes of this subchapter article.

Sec. 4.   38 MRSA §392, sub-§4 is enacted to read:

4.   Body of inland water.   "Body of inland water"

means a body of fresh surface water, including:

A.   Great ponds; and

B.   Brooks, rivers and streams not subject to tidal

action.

Sec. 5.   38 MRSA §393, sub-§2, as enacted by PL 1977,

c. 123, §2, is amended to read:

2.   Harm to natural environs.   Harm the natural environs of

the great-pond-or-of-any-stream-flowing-into-or-out-of-the

great-pond inland water;

Sec. 6.   38 MRSA §394, first sentence, as enacted by

PL 1977, c. 123, §2, is amended to read:

The Board of Environmental Protection shall promulgate

regulations designed to reduce procedural requirements and

establish specific standards for those alterations, the proper

execution of which are deemed to have no significant impact

upon the great-ponds inland waters and which are not inconsistent

with the purposes of this chapter.

Sec. 7.   38 MRSA §394, last ¶, as enacted by PL 1977, c.

123, §2, is amended to read:

Maintenance and minor repair causing no additional intrusion

of an existing structure into ~~the-great-pond~~ any inland waters
are
~~is~~/exempt from this subchapter.

This Article does not apply to river, stream or brook

crossings in connection with public works projects which .   _

alter not more than a total of 300 feet in any mile of shore

nor to private crossing or dam projects which   alter not
                of
more than a total, 100 feet in any mile of shore.   Alterations

to both shores of the river, stream or brook shall be combined

in arriving at a total shore footage.
                                                       or
This Article does not apply to emergency repairs/ maintenance

of railroad structures, track or roadbed within the located   _

right-of-way of any railroad on a river, stream or brook.'

Statement of Fact

This amendment consolidates the law relating to stream

alteration and the law relating to the great ponds, to be

administered by the Department of Environmental Protection.