

# MAINE STATE LEGISLATURE

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L.D. 838

2

(Filing No. H- 206 )

3

STATE OF MAINE

4

HOUSE OF REPRESENTATIVES

5

112TH LEGISLATURE

6

FIRST REGULAR SESSION

7

HOUSE AMENDMENT "**A**" to COMMITTEE AMENDMENT "A"  
8 to H.P. 567, L.D. 838, Bill, "AN ACT to Protect  
9 Freshwater Wet Lands."

10

Amend the amendment by striking out all of the  
11 14th and 15th paragraphs after the title (page 2,  
12 lines 23 to 32 in L.D.) and inserting in their place  
13 the following:

14

'Further amend the bill in section 5, by striking  
15 out all of the first 2 lines (page 3, lines 17 and 18  
16 in L.D.) and inserting in their place the following:

17

Sec. 5. 38 MRSA §§408, 409, 409-A, 410, 410-A,  
18 410-B, 410-C, 410-D and 410-E are enacted to read:

19

Further amend the bill in section 5, in that part  
20 designated "§409." by striking out all of the first 7  
21 lines (page 3, lines 28 to 34 in L.D.) and inserting  
22 in their place the following:

23

§409. Application for a wetlands permit

24

When a landowner applies for a permit to alter  
25 wetlands, the board may:

26

1. Issue permit. Issue the permit without any  
27 change;

28

2. Require changes. Require any changes neces-  
29 sary to meet the standards described in section  
30 409-A; and

31

3. Deny permit. Deny the permit based on the  
32 standards described in section 409-A.

33

§409-A. Standards

1           The board shall grant the permit upon such terms  
2           as it determines are necessary to ensure that the  
3           proposed activity will not unreasonably result in the  
4           following:

5   STATEMENT OF FACT

6           It is agreed the wet lands in the State need to  
7           be protected. It is also agreed that both the land-  
8           owner and the public have certain rights and with  
9           those rights come responsibilities.

10          The owner must submit to certain restrictions to  
11          his land. He must pay the cost of all requirements  
12          necessary to fulfill those restrictions.

13          It is unreasonable that the landowner is also re-  
14          quired to demonstrate the need for and to what extent  
15          those restrictions are necessary. The public,  
16          through the Department of Environmental Protection,  
17          should determine when and to what degree restrictions  
18          in wet lands are necessary. They are the ones with  
19          the expertise. Only they know what they will require  
20          and it will redeem the public's responsibility.

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