

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
FIRST REGULAR SESSION

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

Amend the bill by striking out all of section 4
and inserting in its place the following:

'Sec. 4. 38 MRSA §407, as enacted by PL 1981, c.
705, Pt. W, §1, is repealed.

Sec. 5. 38 MRSA §407-A is enacted to read:

§407-A. Identification of freshwater wetlands

1. Criteria. For the purposes of this Article,
areas identified by the department as freshwater wet-
lands shall be limited to areas:

A. Which are of 10 or more contiguous acres;

B. Which are characterized predominately by
wetland soils and vegetation; and

C. Which are not subject to the jurisdiction of
sections 391 to 396, sections 471 to 478 or Title
12, sections 7776 to 7780.

These areas may contain small inclusions of land that
does not conform to the criteria of this subsection.

2. Identification of freshwater wetlands. The
department may periodically review and revise the
maps identifying freshwater wetlands adopted by the
commissioner, as required by Public Law 1981, chapter
705, Part W. The adoption or amendment of maps iden-
tifying freshwater wetlands shall be subject to the
rule-making requirements of the Maine Administrative
Procedure Act, Title 5, chapter 375, except as pro-

COMMITTEE AMENDMENT "A" to H.P. 567, L.D. 838

1 vided in this section. At least 90 days prior to the
2 adoption or amendment of a map, the commissioner
3 shall:

4 A. Send the map of the affected area to the mu-
5 nicipal officers or their designees;

6 B. Send a notice to each person recorded as own-
7 ing the affected land; and

8 C. Publish notice in newspapers of general cir-
9 culation throughout the State and in the area af-
10 ected.

11 During the 90-day period after the notice has been
12 given, alteration of the affected wetland shall be
13 prohibited without a permit.

14 3. Maps available. The map delineating the
15 boundaries of wetlands that meet the criteria of this
16 section shall be available at the office of the mu-
17 nicipality in which the wetlands are located.'

18 Further amend the bill in section 5, in the
19 amending clause, 2nd line (page 3, line 18 in L.D.)
20 by striking out the following: ", 410-D and 410-E"
21 and inserting in their place the following: 'and
22 410-D'

23 Further amend the bill in section 5, in that part
24 designated "§409." by striking out all of the first
25 paragraph and inserting in its place the following:

26 'If the applicant for a permit demonstrates, to
27 the satisfaction of the board or municipality, as ap-
28 licable, that the proposed activity will not unrea-
29 sonably result in any of the following, the board or
30 municipality, as applicable, shall grant the permit
31 upon such terms as are necessary to ensure that the
32 proposed activity will comply with the standards:'

33 Further amend the bill in section 5, in that part

COMMITTEE AMENDMENT "A" to H.P. 567, L.D. 838

1 designated "§410-A." by striking out the 3rd para-
2 graph and inserting in its place the following:

3 'When a municipality which has been delegated the
4 authority to issue a permit under section 410 issues
5 a permit, a copy of the application for the permit
6 and the permit issued by that municipality shall be
7 sent by registered mail to the board immediately upon
8 its issuance.'

9 Further amend the bill in section 5 by striking
10 out all of that part designated "§410-C."

11 Further amend the bill in section 5, in that part
12 designated "§410-D." by renumbering the section to be
13 '§410-C.'

14 Further amend the bill in section 5, by striking
15 out all of that part designated "§410-E." and insert-
16 ing in its place the following:

17 '§410-D. Exemptions

18 The following shall be exempt from the provisions
19 of this Article.

20 1. Agricultural activities. Draining a
21 freshwater wetland for the purpose of growing agri-
22 cultural products is exempt from the provisions of
23 this Article. This exemption applies only so long as
24 the land is being used for growing agricultural
25 products.

26 2. Forestry activities. Alteration of a
27 freshwater wetland associated with normal forestry
28 management and harvesting activities is exempt from
29 the provisions of this Article.

30 3. Peat mining. Alteration of a freshwater
31 wetland for the purposes of exploring for or mining
32 peat are exempt from the provisions of this Article,
33 but are subject to Article 6, where applicable.

COMMITTEE AMENDMENT "A" to H.P. 567, L.D. 838

1	<u>DEPARTMENT OF</u>		
2	Positions	(6)	(6)
3	Personal Services	\$110,858	\$158,550
4	All Other	19,622	4,776
5	Capital Expenditures	<u>2,400</u>	<u></u>
6	Total	\$132,880	\$163,326'

7 STATEMENT OF FACT

8 The purposes of this amendment are:

9 1. To change the current law to reflect the fact
10 that wetland maps have been adopted;

11 2. To delete from the bill the requirement that
12 municipalities which have been delegated the authori-
13 ty to regulate wetlands need to have permits they is-
14 sue approved by the Board of Environmental Protection
15 and to require instead that a copy of an approved
16 permit be sent to the board;

17 3. To clarify the agricultural and hydropower
18 exemption; and

19 4. To add an exemption for interstate pipelines.

20 3683051585

Reported by the Majority of the Committee on Energy and Natural
Resources
Reproduced and distributed under the direction of the Clerk of
the House

5/24/85

(Filing No. H-191)