

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)

D. OF R

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
34
35
36
37

L.D. 2167

(Filing No. S-456)

STATE OF MAINE
SENATE
112TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 855, L.D. 2167, Bill, "AN ACT to Enhance the Sound Use and Management of Maine's Coastal Resources."

Amend the Bill by striking out the first line after the enacting clause (page 1, line 23 in L.D.) and inserting in its place the following: 'PART A'

Further amend the Bill in "PART I" by striking out all of section 3.

Further amend the Bill in "PART I" in section 4 in subsection 1 in paragraph A in the 9th line (page 6, line 28 in L.D.) by striking out the underlined word "comprehensive"

Further amend the Bill in "PART I" in section 4 in subsection 1 in paragraph B in the 9th line (page 7, line 25 in L.D.) by striking out the underlined words "processing plants" and inserting in their place the following: 'processing, storage and retail and wholesale marketing facilities' and in the 11th line (page 7, line 27 in L.D.) by striking out the underlined words and punctuation "water-based recreational uses,"

Further amend the Bill in "PART I" in section 6 in subsection 2-A in paragraph A in subparagraph (3) in the 4th and 5th lines (page 8, lines 16 and 17 in L.D.) by striking out the underlined words "public assistance requested" and inserting in their place the following: 'cost of damage to local public facilities' and in the 2nd line from the end (page 8, line 19 in L.D.) by striking out the underlined word "revenues" and inserting in its place the following: 'budget'

D. OF R

COMMITTEE AMENDMENT "A" to S.P. 855, L.D. 2167

1 Further amend the Bill in "PART I" by striking
2 out all of sections 7, 8 and 9.

3 Further amend the Bill in "PART I" in section 11,
4 in subsection 1-D in the 9th line (page 10, line 21
5 in L.D.) by striking out the underlined words "pro-
6 cessing plants" and inserting in their place the fol-
7 lowing: 'processing, storage and retail and whole-
8 sale marketing facilities' and in the 11th line (page
9 10, line 23 in L.D.) by striking out the underlined
10 words and punctuation "water-based recreational
11 uses,"

12 Further amend the Bill in "PART I" in section 12
13 in the last paragraph in the 7th and 8th lines (page
14 11, lines 33 and 34 in L.D.) by striking out the fol-
15 lowing: "shoreland area shall be built with" and in-
16 serting in its place the following: 'floodway shall
17 have'

18 Further amend the Bill in "PART I" by striking
19 out all of sections 15, 16 and 17.

20 Further amend the Bill in "PART I" in section 18
21 by striking out all of the 3rd line after the amend-
22 ing clause (page 14, line 24 in L.D.) and inserting
23 in its place the following:

24 '§1801. Findings and declaration of coastal manage-
25 ment policies

26 The Legislature finds that the Maine coast is an
27 asset of immeasurable value to the people of the
28 State and the nation, and there is a state interest
29 in the conservation, beneficial use and effective
30 management of the coast's resources; that development
31 of the coastal area is increasing rapidly and that
32 this development poses a significant threat to the
33 resources of the coast and to the traditional
34 livelihoods of its residents; that the United State
35 Congress has recognized the importance of coastal re-

3. OF 2.

COMMITTEE AMENDMENT "A" to S.P. 855, L.D. 2167

1 sources through the passage of the United States
2 Coastal Zone Management Act of 1972 and that in 1978
3 Maine initiated a coastal management program in ac-
4 cordance with this Act which continues to be of high
5 priority; and that there are special needs in the
6 conservation and development of the State's coastal
7 resources that require a statement of legislative
8 policy and intent with respect to state and local ac-
9 tions affecting the Maine coast.

10 Further amend the Bill in "PART I" in section 18
11 in that part designated "§1901." by striking out all
12 of the first line (page 16, line 30 in L.D.) and in-
13 serting in its place the following:

14 '§1901. Findings and declaration of policy

15 The Legislature finds that Maine's coastal barri-
16 ers and the adjacent wetlands, marshes, estuaries,
17 inlets and nearshore waters contain resources of ex-
18 traordinary scenic, scientific, recreational, natu-
19 ral, historic, archeological and economic importance
20 that may be irretrievably damaged and lost due to de-
21 velopment on and adjacent to those barriers; that
22 Maine's coastal barriers provide habitats for migra-
23 tory birds and other wildlife and habitats which are
24 essential spawning, nursery, nesting and feeding ar-
25 reas for commercially and recreationally important
26 species of finfish and shellfish, as well as other
27 aquatic organisms; that Maine's coastal barriers
28 serve as natural storm protective buffers and are
29 generally unsuitable for development because they are
30 vulnerable to hurricane and other storm damage and
31 because natural shoreline recession and the movement
32 of unstable sediments undermine manmade structures;
33 and that the United States Congress has recognized
34 the importance of coastal barriers through the United
35 States Coastal Barrier Resources Act of 1982, United
36 States Code, Title 16, Section 3509, established a
37 detailed process to identify coastal barriers and
38 prohibited the expenditure of federal funds that sup-
39 port activities incompatible with the ability of

COMMITTEE AMENDMENT "A" to S.P. 855, L.D. 2167

1 these fragile areas to accommodate those activities.'

2 Further amend the Bill in "PART I" in section 18
3 in that part designated "§1902." by striking out all
4 of the first paragraph (page 17, lines 3 to 7 in
5 L.D.) and inserting in their place the following:

6 'Except as provided in section 1903, no state
7 funds or state financial assistance may be expended
8 for development activities within the coastal barrier
9 resource system, including, but not limited to:'

10 Further amend the Bill in "PART I" in section 18
11 in that part designated "§1903." in subsection 1 in
12 paragraph A in the 2nd line (page 17, line 24 in
13 L.D.) by inserting after the underlined word and
14 punctuation "expansion," the following: 'except
15 where expansion is necessary in order to meet minimum
16 design requirements.'

17 Further amend the Bill in "PART I" by renumbering
18 the sections to read consecutively.

19 Further amend the Bill in "PART II" by striking
20 out all of the first line (page 20, line 31 in L.D.)
21 and inserting in its place the following: 'PART B'

22 Further amend the Bill in "PART II" by inserting
23 after the 4th line the following:

24 '§5201. Findings and declaration of policy

25 The Legislature finds and declares that public
26 access to the Maine coast is of great importance to
27 people of the State who make their living in the ma-
28 rine and maritime industries and to those who enjoy
29 the natural beauty of our coastal shorelines; that
30 the State of Maine and coastal municipalities own
31 less than 3% of Maine's shoreline, the lowest per-
32 centage of publicly owned shoreline of any coastal
33 state in the United States; that the Maine coast is
34 experiencing intense development pressure that is

COMMITTEE AMENDMENT " A " to S.P. 855, L.D. 2167

1 further limiting public access to the shore; and that
2 the rising costs of coastal shorefront property, to-
3 gether with the diminishing opportunities for access
4 to coastal shoreline, require the establishment of a
5 state program to encourage and support the acquisi-
6 tion of shoreland areas for public uses.'

7 Further amend the Bill in "PART II" in that part
8 designated "§5202." in subsection 2 in paragraph A in
9 the first line (page 22, line 5 in L.D.) by striking
10 out the underlined word "clammers" and inserting in
11 its place the following: 'shellfish and marine worm
12 harvesters'

13 Further amend the Bill in "PART II" in that part
14 designated "§5202." in subsection 2 in paragraph C in
15 the last line (page 22, line 10 in L.D.) by striking
16 out the underlined word "and"

17 Further amend the Bill in "PART II" in that part
18 designated "§5202." in subsection 2 in paragraph D in
19 the last line (page 22, line 12 in L.D.) by striking
20 out the underlined word and punctuation "areas." and
21 inserting in their place the following: 'areas; and'

22 Further amend the Bill in "PART II" in that part
23 designated "§5202." by inserting at the end the fol-
24 lowing:

25 'E. The ability of a municipality or state agen-
26 cy to manage shoreline access in a manner that is
27 consistent with the natural carrying capacity of
28 the area accessed and to provide adequate essen-
29 tial public services.'

30 Further amend the Bill in "PART II" by renumber-
31 ing those sections designated "§5201." and "§5202."
32 to be '§5202.' and '§5203.' respectively.

COMMITTEE AMENDMENT " A " to S.P. 855, L.D. 2167

1 STATEMENT OF FACT

2 The original bill established a coastal resource
3 management program. The program consists of several
4 elements designed to address state and local inter-
5 ests in developing and conserving Maine's coastal re-
6 source. By and large, the program is designed to
7 provide tools to the municipalities to protect coast-
8 al resources within their borders with guidance and
9 some oversight from the State.

10 This amendment makes several clarifying amend-
11 ments to the bill and deletes 2 elements of the pro-
12 posed coastal resource management program. The pro-
13 vision authorizing municipalities to exact land or
14 fees to be used for public access from subdividers in
15 the coastal zone is deleted, section 3 of the bill.
16 The provisions providing for Board of Environmental
17 Protection review of the local enforcement of certain
18 environmental ordinances are also deleted, sections
19 7, 8, 9, 15, 16 and 17 of the bill.

20 7091032786

Reported by Sen. Usher for the Committee on Energy
and Natural Resources. Reproduced and Distributed
Pursuant to Senate Rule 12.

(Date 4/3/86)

(Filing No. S-456)