

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 661

H.P. 491 House of Representatives, March 6, 1987  
Reference to the Committee on Energy and Natural  
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative VOSE of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Allow the Deposition of Sand Along  
2 the Shore of Great Ponds.  
3

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

6 38 MRSA §394, as amended by PL 1985, c. 746, §18,  
7 is repealed and the following enacted in its place:

8 §394. Exemptions

9 1. Construction activities. Maintenance and mi-  
10 nor repair above the high water line causing no addi-  
11 tional intrusion of an existing structure into the  
12 great pond, the placement of water lines to serve a  
13 single-family house, installation of cables for util-  
14 ities, such as telephone and power cables, provided  
15 that the excavated trench to access the great pond is

1 backfilled and riprapped to prevent erosion and that  
2 the excavated trench on the landward side of the  
3 riprapped area is seeded and mulched to prevent ero-  
4 sion, are exempt from this subchapter.

5 2. Deposition of sand beach. The deposition of  
6 sand or gravel by a shoreland owner for purposes of  
7 establishing a shorefront area suitable for swimming  
8 and bathing is exempt from this subchapter when con-  
9 ducted in accordance with the following.

10 A. The deposition of sand or gravel is performed  
11 by, or on behalf of, the owner of the shoreland  
12 property.

13 B. The deposition of sand or gravel is confined  
14 to an area of pond bottom between 2 lines extend-  
15 ing the property lines of the 2 abutting  
16 shorefront owners into the water to a line con-  
17 necting those 2 lines at a point on each of them  
18 which is 100 feet from the normal high watermark.

19 C. The deposition of sand and gravel is accom-  
20 plished in accordance with a plan developed by  
21 the department to accomplish the wishes of the  
22 shorefront owner and designed to cause as little  
23 interference with natural environs, habitats, wa-  
24 ter flow and water quality as is possible.

25 D. The deposition of sand or gravel is limited  
26 to one occurrence for any stretch of shorefront.

27 E. The deposition of sand or gravel can reason-  
28 ably be expected to improve the property for  
29 swimming and bathing purposes as determined by a  
30 certified state geologist and certified in writ-  
31 ing.

32 F. The area is not part of a freshwater wetland  
33 as defined and identified under article 1-C.

1 STATEMENT OF FACT

2 Many great pond shoreland owners have property  
3 which is unsuitable for swimming and bathing activi-  
4 ties. The value of those properties and the owner's  
5 enjoyment of them would be greatly increased if such  
6 water activities were possible.

7 The purpose of this bill is to allow shoreland  
8 owners to deposit sand or gravel along their  
9 shorefront up to 100 feet into a great pond in order  
10 to make swimming and bathing activities enjoyable.  
11 That deposition shall be limited to one occurrence  
12 per stretch of shorefront and is to be conducted in  
13 such a way as to limit the environmental impact.

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