

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2316

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H.P. 1687 House of Representatives, February 19, 1988  
Reference to the Committee on Energy and Natural  
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative DEXTER of Kingfield.

Cosponsored by Senator RANDALL of Washington,  
Representatives MCGOWAN of Canaan and HANLEY of Paris.

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STATE OF MAINE

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

---

1           **AN ACT to Consolidate State Land Use Statutes**  
2           **into the Natural Resources Protection Act.**

3

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

6           Sec. 1. 38 MRSA c. 3, sub-c. I, Arts. 1-A, 1-C,  
7           2-A and 5, as amended, are repealed.

1           Sec. 2.    38 MRSA c. 3, sub-c. I, Art. 5-A is  
2 enacted to read:

3                                 ARTICLE 5-A

4                                 PROTECTION OF NATURAL RESOURCES

5    §480-A. Findings; purpose

6           The Legislature finds and declares that the  
7 State's rivers and streams, great ponds, fragile  
8 mountain areas, freshwater wetlands, coastal wetlands  
9 and coastal sand dunes systems are resources of state  
10 significance. These resources have great scenic  
11 beauty and unique characteristics, unsurpassed  
12 recreational, cultural, historical and environmental  
13 value of present and future benefit to the citizens of  
14 the State and that uses are causing the rapid  
15 degradation and, in some cases, the destruction of  
16 these critical resources, producing significant  
17 adverse economic and environmental impacts and  
18 threatening the health, safety and general welfare of  
19 the citizens of the State.

20           The Legislature further finds and declares that  
21 there is a need to facilitate research, develop  
22 management programs and establish sound environmental  
23 standards that will prevent the degradation of and  
24 will encourage the enhancement of these resources. It  
25 is the intention of the Legislature that existing  
26 programs related to Maine's rivers and streams, great  
27 ponds, fragile mountain areas, freshwater wetlands,  
28 coastal wetlands and sand dunes systems continue and  
29 that the Department of Environmental Protection  
30 provide coordination and vigorous leadership to  
31 develop programs to achieve the purposes of this  
32 article. The well-being of the citizens of this State  
33 requires the development and maintenance of an  
34 efficient system of administering this article so as  
35 to minimize delays and difficulties in evaluating  
36 alterations of these resource areas.

37   §480-B. Definitions

1       As used in this article, unless the context  
2 otherwise indicates, the following terms have the  
3 following meanings.

4       1. Coastal sand dune systems. "Coastal sand dune  
5 systems" means unconsolidated sand and gravel deposits  
6 within a marine beach system above mean low water  
7 including, but not limited to, beach berms, frontal  
8 dunes, dune ridges, back dunes, eolian flats and other  
9 sand and gravel areas deposited by wave or wind  
10 action. Coastal sand dunes may extend into the  
11 coastal wetlands.

12       2. Coastal wetlands. "Coastal wetlands" means  
13 all intertidal and subtidal lands, including all areas  
14 below any identifiable debris line left by tidal  
15 action; all areas with vegetation present that is  
16 tolerant of salt water and occurs primarily in a salt  
17 water habitat; and any swamp, marsh, bog, beach, flat  
18 or other contiguous lowland which is subject to tidal  
19 action or annual storm flowage at any time excepting  
20 periods of maximum storm activity. Coastal wetlands  
21 may include portions of coastal sand dunes.

22       3. Fragile mountain areas. "Fragile mountain  
23 areas" means areas above 2,700 feet in elevation from  
24 mean sea level.

25       4. Freshwater wetlands. "Freshwater wetlands"  
26 means freshwater swamps, marshes, bogs and similar  
27 areas which are:

28       A. Of 10 or more contiguous acres;

29       B. Characterized predominately by wetland  
30 vegetation; and

31       C. Not considered part of a great pond, coastal  
32 wetland, river, stream or brook.

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

35       5. Great ponds. "Great ponds" means any inland  
36 bodies of water which in a natural state have a

1 surface area in excess of 10 acres and any inland  
2 bodies of water artificially formed or increased which  
3 have a surface area in excess of 30 acres.

4 6. Normal high water line. "Normal high water  
5 line" means that line along the shore of a great pond,  
6 river, stream, brook or other nontidal body of water  
7 which is apparent from visible markings, changes in  
8 the character of soils due to prolonged action of the  
9 water or from changes in vegetation and which  
10 distinguishes between predominantly aquatic and  
11 predominantly terrestrial land. In the case of great  
12 ponds, all land below the normal high water line shall  
13 be considered the bottom of the great pond for the  
14 purposes of this article.

15 7. Permanent structure. "Permanent structure"  
16 means any structure constructed or erected with a  
17 fixed location, or attached to a structure with a  
18 fixed location, on or in the ground within a fragile  
19 mountain area, or having a fixed location in, on or  
20 over the water for a period exceeding 7 months each  
21 year, including, but not limited to, causeways, piers,  
22 docks, concrete slabs, piles, marinas, retaining walls  
23 and buildings.

24 8. River, stream or brook. "River, stream or  
25 brook" means a channel between defined banks including  
26 the floodway and associated floodplain wetlands where  
27 the channel is created by the action of the surface  
28 water and characterized by the lack of upland  
29 vegetation or presence of aquatic vegetation and by  
30 the presence of a bed devoid of top soil containing  
31 water borne deposits on exposed soil, parent material  
32 or bedrock.

33 §480-C. Prohibitions

34 No person may perform or cause to be performed any  
35 of the following activities in, on or over any natural  
36 resource cited in this article or on land adjacent to  
37 any freshwater or coastal wetland, great pond, river,  
38 stream or brook in such a manner that the material or  
39 soil may fall or be washed into them without first  
40 obtaining a permit from the Board of Environmental

1 Protection:

2 1. Displacement of materials. Dredging,  
3 bulldozing, removing or displacing soil, vegetation or  
4 other materials;

5 2. Draining. Draining or otherwise dewatering;

6 3. Filling. Filling, including adding sand or  
7 other material to a sand dune; or

8 4. Constructing. Any construction or alteration  
9 of any permanent structure.

10 §480-D. Standards

11 The Board of Environmental Protection shall grant  
12 a permit upon proper application and upon such terms  
13 as it deems necessary to fulfill the purposes of this  
14 article. The board shall grant a permit when it finds  
15 that the applicant has demonstrated that the proposed  
16 activity meets the following standards.

17 1. Existing uses. The activity will not  
18 unreasonably interfere with existing scenic,  
19 aesthetic, recreational or navigational uses.

20 2. Soil erosion. The activity will not cause  
21 unreasonable erosion of soil or sediment nor inhibit  
22 the natural transfer of soil from the terrestrial to  
23 the marine or freshwater environment.

24 3. Harm to habitats; fisheries. The activity  
25 will not unreasonably harm any plant, aquatic or  
26 wildlife habitat, travel corridor, freshwater,  
27 estuarine or marine fisheries or other aquatic life.

28 4. Interfere with natural water flow. The  
29 activity will not unreasonably interfere with the  
30 natural flow of any surface or subsurface waters.

31 5. Lower water quality. The activity will not  
32 unreasonably lower the quality of any surface or  
33 subsurface water.

1        6. Flooding. The activity will not unreasonably  
2 cause or increase the flooding of the alteration area  
3 or adjacent properties.

4        7. Sand supply. If the activity is on or  
5 adjacent to a sand dune, it will not unreasonably  
6 interfere with the natural supply or movement of sand  
7 within or to the sand dune system.

8        8. Outstanding river segments. If the proposed  
9 activity is a crossing of any outstanding river  
10 segment as identified in section 480-P, the applicant  
11 shall demonstrate that no reasonable alternative  
12 exists which would have less adverse effect upon the  
13 natural and recreational features of the river segment.

14        9. Public access. The activity will not  
15 unreasonably affect customary public access or access  
16 rights.

17 §480-E. Permits; grants; denials; suspensions

18        The department shall process all permits under  
19 this article in accordance with chapter 2.

20        The board shall not issue a permit without  
21 notifying the municipality in which the proposed  
22 activity is to occur and considering any comments  
23 filed by the municipality within a reasonable period  
24 as established by the board.

25        If the resource subject to alteration or the  
26 underlying ground water is utilized by a water  
27 company, municipality or water district as a source of  
28 supply, the applicant for the permit shall, at the  
29 time of filing an application, forward a copy of the  
30 application to the water company, municipality or  
31 water district by certified mail and the board shall  
32 consider any comments filed within a reasonable  
33 period, as established by the board.

34        When winter conditions prevent the board or  
35 municipality from evaluating a permit application, the  
36 board or municipality, upon notifying the applicant of  
37 that fact, may defer action on the application for a

1 reasonable period. The applicant shall not during the  
2 period of deferral alter the resource area in question.

3 §480-F. Delegation of permit-granting authority to  
4 municipality

5 All permits shall be issued by the Board of  
6 Environmental Protection, subject to delegation to the  
7 commissioner as provided by law, except that a  
8 municipality may apply to the board for authority to  
9 issue such permits. The board shall grant such  
10 authority if it finds that the municipality has:

11 1. Planning board. Established a planning board;

12 2. Comprehensive plan and related land use  
13 ordinances. Adopted a comprehensive plan and related  
14 land use ordinances consistent with the criteria set  
15 forth in Title 30, subchapter VI;

16 3. Notice. Made provision by ordinance or rule  
17 for prompt notice to the board and the public upon  
18 receipt of application and written notification to the  
19 applicant and the board of the issuance or denial of a  
20 permit stating the reasons for issuance or denial;

21 4. Application form. Provided that the  
22 application form is the same as that provided by the  
23 Board of Environmental Protection.

24 No permit issued by a municipality may become  
25 effective until 30 days subsequent to its receipt by  
26 the board, but if approved by the board in less than  
27 30 days, then the effective date shall be the date of  
28 approval. A copy of the application for the permit  
29 and the permit issued by the municipality shall be  
30 sent to the board immediately upon its issuance by  
31 registered mail. The board shall review that permit  
32 and either approve, deny or modify it as the board  
33 deems necessary. If the board does not act within 30  
34 days of its receipt of the permit by the municipality,  
35 this shall constitute its approval and the permit  
36 shall be effective as issued, except that within this  
37 30-day period the board may extend the time for its  
38 review an additional 30 days.



1 §480-G. Periodic review of delegated authority

2 If the board finds that a municipality has failed  
3 to satisfy one or more of the criteria listed in  
4 section 480-F, the board shall notify the municipality  
5 accordingly and make recommendations through which it  
6 may establish compliance. The municipality may then  
7 submit a modified application for approval.

8 If, at any time, the board determines that a  
9 municipality may be failing to exercise its permit-  
10 granting authority in accordance with its approval  
11 procedures or the purposes of this article, the board  
12 shall notify the municipality of the specific alleged  
13 deficiencies and shall order a public hearing to be  
14 held in the municipality to solicit public or official  
15 comment on the alleged deficiencies. Following the  
16 hearing, if the board finds such deficiencies, the  
17 board shall revoke the municipality's permit granting  
18 authority. The municipality may reapply for authority  
19 at any time.

20 §480-H. Rules; performance and use standards

21 In fulfilling its responsibilities to adopt rules  
22 pursuant to section 343-A, the board shall, to the  
23 extent practicable, adopt performance and use  
24 standards for activities regulated by this article.

25 §480-I. Identification of freshwater wetlands and  
26 fragile mountain areas

27 1. Identification by maps. The department shall  
28 map areas meeting the definition of freshwater  
29 wetlands and fragile mountain areas set forth in this  
30 article and shall periodically review and revise the  
31 maps identifying these areas.

32 2. Procedures. The maps and subsequent  
33 amendments identifying freshwater wetlands and fragile  
34 mountain areas shall be subject to the following  
35 procedures.

36 A. Preliminary maps of the affected area or

1 amendments of a map shall be sent to the municipal  
2 officers or their designees.

3 B. Upon receipt of the proposed maps, the  
4 municipal officers of each municipality shall take  
5 any action they deem appropriate to increase  
6 public participation in this identification and  
7 delineation, but shall return their comments to  
8 the department within a 90-day period.

9 §480-J. Maps

10 Maps delineating the boundaries of freshwater  
11 wetlands and fragile mountain areas that meet the  
12 criteria of this article shall be available at the  
13 office of the municipality and of the regional council  
14 in which the resources are located.

15 §480-K. Data bank

16 The Department of Environmental Protection shall  
17 maintain, in cooperation with other state agencies, a  
18 data bank containing all the known information  
19 pertaining to all resources of state significance, as  
20 enumerated in this article, within the State. All  
21 governmental agencies, state or federal, shall make  
22 available to the department such information in their  
23 possession relating to these resources.

24 §480-L. Research

25 The Department of Environmental Protection, in  
26 cooperation with other state agencies, is authorized  
27 to conduct research and studies to determine how the  
28 resource values of resources of state significance can  
29 be restored and enhanced.

30 §480-M. Funds

31 The Department of Environmental Protection is the  
32 public agency of the State authorized to accept funds,  
33 public and private, for the purposes of this article.

34 §480-N. Lake Restoration and Protection Fund

1           1. Fund purposes and administration. There is  
2 established a nonlapsing Lake Restoration and  
3 Protection Fund, from which the department may pay up  
4 to 50% of the eligible costs incurred in a lake  
5 restoration or protection project. Eligible costs  
6 include all costs except those related to land  
7 acquisition, legal fees and debt service. All money  
8 credited to that fund shall be used by the department  
9 for projects to improve or maintain the quality of  
10 lake waters in the State and for no other purpose.  
11 The Commissioner of Environmental Protection may  
12 authorize the State Controller to draw his warrant for  
13 such funds as may be necessary to pay the lawful  
14 expenses of the lake restoration or protection  
15 project, up to the limits of the money duly  
16 authorized. Any balance remaining in the fund shall  
17 continue without lapse from year to year and remain  
18 available for the purpose for which the fund is  
19 established and for no other purpose.

20           2. Money. Money in the Lake Restoration and  
21 Protection Fund may not be used for projects in or on  
22 lakes for which public access is not provided.

23 §480-0. Bulkheads and retaining walls on Scarborough  
24 River; permit requirements

25           Nothing in this article prohibits the rebuilding,  
26 replacement or new construction of a bulkhead,  
27 retaining wall or similar structure, provided that the  
28 applicant for a permit demonstrates to the board or  
29 municipality, as appropriate, that the following  
30 conditions are met:

31           1. Location. The bulkhead or similar structure  
32 to be constructed, rebuilt or replaced is located  
33 along some or all of the north-northeasterly property  
34 lines of land abutting the Scarborough River from the  
35 jetty to the Scarborough town landing; and

36           2. Termination. The terminus of any bulkhead or  
37 similar structure, including any wing wall, unless  
38 connected to another bulkhead or similar structure,  
39 shall terminate at least 25 feet from any abutting  
40 property.

1        Any permit issued under this section for a  
2 bulkhead or similar structure which is not connected  
3 at both ends to another bulkhead or similar structure  
4 shall be subject to only the standard conditions  
5 applicable to all permits granted under this article  
6 as well as the following conditions. The permit  
7 applicant or applicants shall be responsible for  
8 reasonably maintaining the bulkhead or similar  
9 structure and for repairing damage to the frontal sand  
10 dune which occurs between the end of the bulkhead or  
11 similar structure and the Scarborough town landing and  
12 which is caused by the existence of the bulkhead or  
13 similar structure. The applicant or applicants shall  
14 submit a report prepared by a state-certified  
15 geologist to the commissioner every 2nd year following  
16 issuance of the permit or until such time as the  
17 commissioner deems the report need not be filed or may  
18 be filed at longer intervals. The report shall  
19 describe the status of the frontal sand dune between  
20 the end of the bulkhead or similar structure and the  
21 Scarborough town landing and contain whatever  
22 recommendations the geologist determines are  
23 reasonably required to maintain the frontal sand dune  
24 in that area. The applicant or applicants shall  
25 follow the recommendations.

26        §480-P. Special protection for outstanding river  
27        segments

28        In accordance with Title 12, section 402,  
29 outstanding river segments shall include:

30        1. Aroostook River. The Aroostook River from the  
31 Canadian border to the Masardis and T.10, R.6,  
32 W.E.L.S. town line, excluding the segment in T.9, R.5,  
33 W.E.L.S., including its tributaries the Big Machias  
34 River from the Aroostook River to the Ashland and  
35 Garfield Plantation town line and the St. Croix Stream  
36 from the Aroostook River in Masardis to the Masardis  
37 and T.9, R.5, W.E.L.S. town line;

38        2. Carrabassett River. The Carrabassett River  
39 from the Kennebec River to the Carrabassett Valley and  
40 Mt. Abram Township town line;

1        3. Crooked River. The Crooked River, including  
2 the Songo River, from its inlet into Sebago Lake in  
3 Casco to the Waterford and Albany Township town lines;

4        4. Dennys River. The Dennys River from the  
5 railroad bridge in Dennysville Station to the outlet  
6 of Meddybemps Lake, excluding the western shore in  
7 Edmunds Township and No. 14 Plantation;

8        5. East Machias River. The East Machias River,  
9 including the Maine River, from the old powerhouse in  
10 East Machias to the East Machias and T.18, E.D.,  
11 B.P.P. town line, from the T. 19, E.D., B.P.P. and  
12 Wesley town line to the outlet of Crawford Lake and  
13 from the No. 21 Plantation and Alexander town line to  
14 the outlet of Pocomoonshine Lake, excluding Hadley  
15 Lake, Lower Mud Pond and Upper Mud Pond;

16        6. Fish River. The Fish River from the bridge in  
17 Fort Kent Mills to the Fort Kent and Wallagrass  
18 Plantation town line, from the T.16, R.6, W.E.L.S. and  
19 Eagle Lake town line to the Eagle Lake and Winterville  
20 Plantation town line and from the T.14, R.6, W.E.L.S.  
21 and Portage Lake town line to the Portage Lake and  
22 T.13, R.7, W.E.L.S. town line, excluding Portage Lake;

23        7. Kennebago River. The Kennebago River from its  
24 inlet into Cupsuptic Lake to the Rangeley and Lower  
25 Cupsuptic Township town line;

26        8. Kennebec River. The Kennebec River from the  
27 Route 148 bridge in Madison to the Caratunk and The  
28 Forks Plantation town line, excluding the western  
29 shore in Concord Township, Pleasant Ridge Plantation  
30 and Carrying Place Township and excluding Wyman Lake;

31        9. Machias River. The Machias River from the  
32 Route 1 bridge to the Northfield and T.19, M.D.,  
33 B.P.P. town line, including its tributaries the Old  
34 Stream from the Machias River to the northern most  
35 crossing of the Wesley and T.31, M.D., B.P.P. town  
36 line, excluding the segments in T.25, M.D., B.P.P. and  
37 T.31, M.D., B.P.P.;

1           10.   Mattawamkeag River.   The Mattawamkeag River  
2 from the Penobscot River to the Mattawamkeag and  
3 Kingman Township town line and from the Reed  
4 Plantation and Bancroft town line to the East Branch,  
5 including its tributaries the West Branch from the  
6 Mattawamkeag River to the Haynesville and T.3, R.3,  
7 W.E.L.S. town line and from its inlet into Upper  
8 Mattawamkeag Lake in Island Falls to the Hersey and  
9 Moro Plantation town line; the East Branch from the  
10 Mattawamkeag River to the Haynesville and Forkstown  
11 Township town line and from the T.4, R.3, W.E.L.S. and  
12 Oakfield town line to the Smyrna and Dudley Township  
13 town line; the Fish Stream from the West Branch of the  
14 Mattawamkeag River to the Crystal and Patten town  
15 line; the Molunkus Stream from the Silver Ridge  
16 Township and Benedicta town line to the East Branch  
17 Molunkus Stream; the Macwahoc Stream from the Silver  
18 Ridge Township and Sherman town line to the outlet of  
19 Macwahoc Lake; and the Baskehegan Stream from the  
20 Mattawamkeag River to the Danforth and Brookton  
21 Township town line, and from the Brookton Township and  
22 Topsfield town line to the Topsfield and Kossuth  
23 Township town line, excluding Baskehegan Lake and  
24 Crooked Brook Flowage;

25           11.   Narraguagus River.   The Narraguagus River  
26 from the ice dam above the railroad bridge in  
27 Cherryfield to the Beddington and Devereaux Township  
28 town line, excluding Beddington Lake;

29           12.   Penobscot River.   The Penobscot River from  
30 the Bangor Dam in Bangor to the Veazie Dam and its  
31 tributary the East Branch of the Penobscot from the  
32 Penobscot River to the East Millinocket and Grindstone  
33 Township town line;

34           13.   Piscataquis River.   The Piscataquis River  
35 from the Penobscot River to the Monson and Blanchard  
36 Plantation town line, including its tributaries the  
37 East and West Branches of the Piscataquis River from  
38 the Blanchard Plantation and Shirley town line to the  
39 Shirley and Little Squaw Township town line; the  
40 Seboeis Stream from its confluence with the  
41 Piscataquis River in Howland to the Howland and  
42 Mattamiscontis Township town line and from the

1 Mattamiscontis and Maxfield town line to the Maxfield  
2 and Seboeis Plantation town line, excluding Shirley  
3 Pond and West Shirley Bog;

4 14. Pleasant River. The Pleasant River from the  
5 dam in Columbia Falls, formerly the Hathaway Dam, to  
6 the Columbia and T.18, M.D., B.P.P. town line and from  
7 the T.24, M.D., B.P.P. and Beddington town line to the  
8 outlet of Pleasant River Lake in Beddington;

9 15. Rapid River. The Rapid River from the  
10 Magalloway Plantation and Upton town line to the  
11 outlet of Pond in the River;

12 16. Saco River. The Saco River from the Little  
13 Ossipee River to the New Hampshire border;

14 17. St. Croix River. The St. Croix River from  
15 the cotton mill dam in Milltown to the Calais and  
16 Baring Plantation town line, from the Baring  
17 Plantation and Baileyville town line to the  
18 Baileyville and Fowler Township town line and from the  
19 Lambert Lake Township and Vanceboro town line to the  
20 outlet of Spednik Lake, excluding Woodland Lake and  
21 Grand Falls Flowage;

22 18. St. George River. The St. George River from  
23 the Route 90 bridge in Warren to the outlet of Lake  
24 St. George in Liberty, excluding White Oak Pond, Seven  
25 Tree Pond, Round Pond, Sennebec Pond, Trues Pond,  
26 Stevens Pond and Little Pond;

27 19. St. John River. The St. John River from the  
28 Hamlin Plantation and Van Buren town line to the Fort  
29 Kent and St. John Plantation town line and from the  
30 St. John Plantation and St. Francis town line to the  
31 Allagash and St. Francis town line;

32 20. Sandy River. The Sandy River from the  
33 Kennebec River to the Madrid and Township E town line;

34 21. Sheepscot River. The Sheepscot River from  
35 the Head Tide Dam in Alna to the Halldale Road in  
36 Montville, excluding Long Pond and Sheepscot Pond,  
37 including its tributary the West Branch of the

1 Sheepscot River from its confluence with the Sheepscot  
2 River in Whitefield to the outlet of Branch Pond in  
3 China;

4 22. West Branch Pleasant River. The West Branch  
5 Pleasant River from the East Branch to the Brownville  
6 and Williamsburg Township town line; and

7 23. West Branch Union River. The West Branch  
8 Union River from the Route 181 bridge in Mariaville to  
9 the outlet of Great Pond in the Town of Great Pond.

10 §480-Q. Exemptions

11 The following are exempt from this article:

12 1. Water lines and utility cables. The placement  
13 of water lines to serve a single-family house or the  
14 installation of cables for utilities, such as  
15 telephone and power cables, provided that the:

16 A. Excavated trench for access to the water is  
17 backfilled and riprapped to prevent erosion;

18 B. Excavated trench on the landward side of the  
19 riprapped area is seeded and mulched to prevent  
20 erosion; and

21 C. Bureau of Public Lands has been contacted to  
22 obtain the right to place the cable across the  
23 area;

24 2. Maintenance and repair. Maintenance and minor  
25 repair of structures in fragile mountain areas, or to  
26 structures above the high water line causing no  
27 additional intrusion of an existing structure into the  
28 great pond, river, stream or brook, wetland or sand  
29 dune;

30 3. Peat mining. Alteration of a freshwater  
31 wetland for the purpose of exploring for or mining  
32 peat, subject to article 6, where applicable; and

33 4. Interstate pipelines. Alteration of  
34 freshwater wetlands associated with the construction,



1 operation, maintenance or repair of an interstate  
2 pipeline, subject to article 6, where applicable.

3 Notwithstanding section 480-C, a permit or a water  
4 quality certificate shall not be required from the  
5 board for areas of the State within the jurisdiction  
6 of the Maine Land Use Regulation Commission under  
7 Title 12, sections 681 to 689.

8 Notwithstanding section 480-C, a permit shall not  
9 be required for panning gold, provided that stream  
10 banks are not disturbed and no unlicensed discharge is  
11 created.

12 §480-R. Violations; enforcement

13 1. Violations. A violation is any activity which  
14 takes place contrary to the provisions of a valid  
15 permit issued under this article or without a permit  
16 having been issued for that activity. Each day of a  
17 violation shall be considered a separate offense. A  
18 finding that any such violation has occurred shall be  
19 prima facie evidence that the activity was performed  
20 or caused to be performed by the owner of the property  
21 where the violation occurred.

22 2. Enforcement. Employees of the Department of  
23 Environmental Protection, inland fisheries and  
24 wildlife game wardens, Department of Marine Resources  
25 coastal wardens and all other law enforcement officers  
26 enumerated in Title 12, section 7055, shall enforce  
27 the terms of this article.

28 STATEMENT OF FACT

29 The purpose of this bill is to create a single  
30 article in the Maine Revised Statutes consolidating  
31 and clarifying the language of those laws protecting  
32 resources of state significance that are subject to  
33 state permit requirements such as great ponds, stream  
34 alteration, coastal wetlands, sand dunes and inland  
35 wetlands and to extend similar protection to fragile  
36 mountain areas.

1           This bill continues a process of providing greater  
2 consistency in standards, statutory language and  
3 approaches to administration of these laws and adds an  
4 explicit permit review criterion relating to public  
5 access.

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