

MAINE STATE LEGISLATURE

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L.D. 2382

(Filing No. H-666)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1737, L.D. 2382,
Bill, "AN ACT Concerning Shoreline Alteration of
Artificially Created Great Ponds."

Amend the bill by striking everything after the
enacting clause and inserting in its place the
following:

'Sec. 1. 12 MRSA §685-B, sub-§2, ¶B, as
repealed and replaced by PL 1977, c. 564, § 51 is
amended to read:

B. The fee prescribed by the commission rules,
such fee to be the greater of \$10 or 1/10 of 1% of
the total construction costs; and

Sec. 2. 12 MRSA §685-B, sub-§2, ¶D is enacted
to read:

D. Evidence of sufficient right, title or
interest in all of the property which is proposed
for development or use. For purposes of this
subsection, the written permission of the record
owner or owners of flowed land shall be deemed
sufficient right, title or interest to confer
standing for submission of a permit application,
provided that the letter of permission
specifically identifies the activities being
performed and the area that may be used for that

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1 purpose. The commission may not refuse to accept,
2 under this paragraph, a permit application for any
3 prohibited activity if the owner or lessee of land
4 adjoining a great pond has made a diligent effort
5 to locate the record owner or owners of the flowed
6 land in question and has been unable to do so.

7 Sec. 3. 38 MRSA §391, as amended by PL 1983, c.
8 819, Pt. A, §62, is repealed.

9 Sec. 4. 38 MRSA §391-A is enacted to read:

10 §391-A. Prohibitions

11 1. Activities prohibited. Except as provided in
12 subsection 3 and section 394, no person may perform or
13 cause to be performed any of the following activities
14 without first having obtained a permit from the Board
15 of Environmental Protection:

16 A. Dredging or removing materials from below the
17 normal high water line in a great pond;

18 B. Constructing or repairing any permanent
19 structure below the normal high water line in a
20 great pond;

21 C. Depositing any dredged spoil or fill below the
22 normal high water line in a great pond or on the
23 land adjacent to a great pond in such a manner
24 that the material may fall or be washed into the
25 great pond; or

26 D. Bulldozing or scraping on land adjacent to a
27 great pond in such a manner that the material or
28 soil may fall or be washed into a great pond.

29 Performing any action in violation of the terms or
30 conditions of a permit issued by the board is also
31 prohibited.

32 2. Permission of record owners. For purposes of
33 this section, the written permission of the record
34 owner or owners of flowed land shall be deemed
35 sufficient right, title or interest to confer standing
36 for submission of a permit application, provided that

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1 the letter of permission specifically identifies the
2 activities being performed and the area that may be
3 used for that purpose. The board may not refuse to
4 accept a permit application for any prohibited
5 activity due to the lack of evidence of sufficient
6 right, title or interest if the owner or lessee of
7 land adjoining a great pond has made a diligent effort
8 to locate the record owner or owners of flowed land
9 and has been unable to do so.

10 3. Application. This section does not apply to
11 areas of the State within the jurisdiction of the
12 Maine Land Use Regulation Commission under Title 12,
13 chapter 206-A.'

14 STATEMENT OF FACT

15 The purpose of this amendment is to limit the
16 intent of the bill to clarifying the requirements for
17 "sufficient right, title or interest" needed for great
18 ponds permits and permits issued by the Maine Land Use
19 Regulation Commission.

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Reported by the Committee on Energy and Natural Resources
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