

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FOURTH SPECIAL SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2702

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H.P. 2000 House of Representatives, November 28, 1988

Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Energy and Natural  
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative STROUT of Corinth.

Cosponsored by Senator CAHILL of Sagadahoc.

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STATE OF MAINE

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

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1 AN ACT to Amend the Laws Relating to the  
2 Protection of Natural Resources.  
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4 Emergency preamble. Whereas, Acts of the  
5 Legislature do not become effective until 90 days  
6 after adjournment unless enacted as emergencies; and

7 Whereas, it is vitally necessary that routine  
8 repairs on certain public works projects and limited  
9 private projects be allowed to progress before the

1 expiration of the 90-day period; and

2       Whereas, in the judgment of the Legislature, these  
3 facts create an emergency within the meaning of the  
4 Constitution of Maine and require the following  
5 legislation as immediately necessary for the  
6 preservation of the public peace, health and safety;  
7 now, therefore

8 Be it enacted by the People of the State of Maine as  
9 follows:

10       **Sec. 1. 38 MRSA §480-Q, sub-§§7 and 8, as**  
11 **enacted by PL 1987, c. 809, §2, are amended to read:**

12       **7. Forestry.** Alteration of a freshwater wetland  
13 associated with normal forestry management and  
14 harvesting activities is exempt from the provisions of  
15 this article. The determination of what constitutes  
16 normal forestry management and harvesting activities  
17 shall be made by the Maine Land Use Regulation  
18 Commission regardless of whether the freshwater  
19 wetland is located within the jurisdiction of the  
20 commission and according to standards adopted by the  
21 commission. For purposes of this subsection, "normal  
22 forestry management and harvesting activities" means  
23 those activities which meet the forestry standards of  
24 the Maine Land Use Regulation Commission; and

25       **8. Hydropower projects.** Hydropower projects are  
26 exempt from the provisions of this article to the  
27 extent provided in section 634. Alteration of a  
28 freshwater wetland associated with the operation of a  
29 hydropower project, as defined in section 632, is  
30 exempt from the provisions of this article, but is  
31 subject to chapter 5, subchapter I, article 1,  
32 subarticle 1-B, where applicable; ;

33       **Sec. 2. 38 MRSA §480-Q, sub-§§9 and 10 are**  
34 **enacted to read:**

35       **9. Public works, private crossing or dam**  
36 **projects. Notwithstanding section 480-C, a permit is**  
37 **not required if river, stream or brook crossing**  
38 **alterations, made in connection with public works**

1 projects, alter less than 300 feet in a mile of shore  
2 or if private crossing or dam projects alter less than  
3 100 feet in a mile of shore. Alterations to both  
4 shores of a river, stream or brook shall be combined  
5 to compute the shore frontage affected by a project.  
6 Changes in the shoreline perimeter created by  
7 impoundments shall be included in the computation of  
8 the altered shore frontage. The exception provided in  
9 this subsection does not apply to any project on an  
10 outstanding river segment as listed in section 480-P;  
11 and

12 10. Public works projects. Emergency repairs,  
13 normal maintenance or repairs in connection with  
14 public works projects are exempt from this article.

15 Sec. 3. 38 MRS-A §480-T is enacted to read:

16 §480-T. Maine Land Use Regulation Commission  
17 jurisdiction

18 This article does not apply to areas of the State  
19 within the jurisdiction of the Maine Land Use  
20 Regulation Commission under Title 12, chapter 206-A.

21 Emergency clause. In view of the emergency  
22 cited in the preamble, this Act shall take effect when  
23 approved.

24 STATEMENT OF FACT

25 This bill will exempt normal, routine maintenance  
26 and repair activities on public works projects and  
27 will exempt certain limited private projects from  
28 regulation. The bill also specifies that the Maine  
29 Land Use Regulation Commission has exclusive  
30 jurisdiction and that Department of Environmental  
31 Protection permits are not required within the Maine  
32 Land Use Regulation Commission territory.

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