

# MAINE STATE LEGISLATURE

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L.D. 802

(Filing No. S- 72 )

**STATE OF MAINE  
SENATE  
114TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 304, L.D. 802, Bill, "An Act Regulating Activities Adjacent to Great Ponds"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'38 MRSA §438-A, sub-§4, as enacted by PL 1987, c. 815, §§5 and 11, is amended to read:

**4. Failure to adopt ordinances.** If a municipality fails to adopt ordinances as required under this article or if the board determines that an ordinance which a municipality has adopted does not satisfy the requirements and purposes under this article, the board, acting in accordance with Title 5, chapter 375, subchapter II, shall adopt suitable ordinances, or suitable provisions of ordinances, on behalf of the municipality. Notwithstanding subsections 2 and 3, if the board determines that special water quality considerations on a great pond warrant more restrictive standards than those contained in the minimum guidelines, the board may adopt the additional standards for all municipalities outside the jurisdiction of the Maine Land Use Regulation Commission which abut those waters. Following adoption by the board, these ordinances or provisions shall be effective and binding within the municipality and shall be administered and enforced by that municipality.

**FISCAL NOTE**

It is anticipated that all costs associated with this legislation would be absorbed by the Department of Environmental Protection utilizing existing resources.'

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**STATEMENT OF FACT**

This amendment allows for more consistent shoreland zoning around sensitive great ponds. It allows the Board of Environmental Protection to extend more stringent shoreland zoning regulations to all municipalities abutting a great pond that warrant special water quality considerations if those ordinances are imposed on one municipality.

Reported by Senator Kany for the Committee on Energy and Natural Resources. Reproduced and Distributed Pursuant to Senate Rule 12.  
(4/28/89) (Filing No. S-72)