

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 822

H.P. 598

House of Representatives, March 17, 1989

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CLARK of Millinocket.

Cosponsored by Representative GOULD of Greenville, Representative LORD of Waterboro and President PRAY of Penobscot.

STATE OF MAINE

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

An Act to Allow Cleanup of Beach Frontage on Artificially Created
Great Ponds.



1 **Be it enacted by the People of the State of Maine as follows:**

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

5
7 **7. Forestry.** Alteration of a freshwater wetland associated
with normal forestry management and harvesting activities is
exempt from the provisions of this article. The determination of
9 what constitutes normal forestry management and harvesting
activities shall be made by the Maine Land Use Regulation
11 Commission regardless of whether the freshwater wetland is
located within the jurisdiction of the commission and according
13 to standards adopted by the commission. For purposes of this
subsection, "normal forestry management and harvesting
15 activities" means those activities which meet the forestry
standards of the Maine Land Use Regulation Commission; and

17
19 **8. Hydropower projects.** Hydropower projects are exempt
from the provisions of this article to the extent provided in
section 634. Alteration of a freshwater wetland associated with
21 the operation of a hydropower project, as defined in section 632,
is exempt from the provisions of this article, but is subject to
23 chapter 5, article 1, subarticle 1-B, where applicable; and

25 **Sec. 2. 38 MRSA §480-Q, sub-§9** is enacted to read:

27 **9. Artificial great ponds.** The board may exempt activities
29 which involve dredging or removal of materials from an area no
more than 30 feet wide extending from the normal high water mark
and the normal low water mark of any great pond that has been
31 artificially formed or increased in surface area if the board
finds that the dredging or removal of materials will not have an
33 unreasonable impact on fisheries and wildlife habitat. The
activities exempted by the board under this subsection shall be
35 undertaken when the area in question is not covered by water.

37

STATEMENT OF FACT

39

41 The purpose of this bill is to allow limited maintenance
activities in areas that are periodically exposed because of
seasonal drawdowns of artificial great ponds. The fish habitat
43 in the drawdown area is already degraded by the drawdown
exposure. Allowing alterations, by exemption, in these areas
45 when the sites are dry would have minimal impact on the great
ponds.