

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1092

H.P. 780

House of Representatives, April 11, 1989

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

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative WHITCOMB of Waldo.

Cosponsored by Representative DEXTER of Kingfield, Representative GOULD of Greenville and Representative LORD of Waterboro.

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STATE OF MAINE

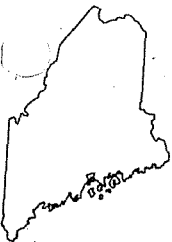
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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An Act to Exempt Certain Lands Classified as Wetlands under Local Ordinances.

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

3 **38 MRSA §436-A, sub-§5**, as enacted by PL 1987, c. 815, §§3  
and 11, is amended to read:

5  
7 **5. Freshwater wetlands.** "Freshwater wetlands" means  
freshwater swamps, marshes, bogs and similar areas which are:

9 A. Of 10 or more contiguous acres; and

11 B. Characterized predominantly by wetland vegetation.

13 Freshwater wetlands may contain small inclusions of land that do  
not conform to the criteria of this subsection.

15  
17 Areas which otherwise meet the definition of freshwater wetlands  
but which are determined by the municipality to be of no benefit  
to wildlife, ground water replenishment, plant habitat or flood  
control due to soil type and location shall not be considered  
freshwater wetlands for the purpose of this chapter. This  
determination shall be made by the municipality in its  
comprehensive plan.

23

25

#### STATEMENT OF FACT

27

29 This bill exempts from state-mandated local zoning and  
subdivision regulation freshwater wetlands that are determined by  
31 a municipality to be of no benefit to wildlife, ground water  
replenishment, plant habitat or flood control. This  
determination is to be made by the municipality in its  
33 comprehensive plan.