

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1568

H.P. 1125

House of Representatives, May 9, 1989

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

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative SIMPSON of Casco.

Cosponsored by Representative MICHAUD of East Millinocket.

STATE OF MAINE

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

An Act to Regulate Development Along Certain Water Bodies.



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

3 Sec. 1. 38 MRSA §436-A, sub-§11, as enacted by PL 1987, c.
5 815, §§3 and 11, is amended to read:

7 11. River. "River" means a free-flowing body of water from
9 that point at which it provides ~~drainage-for-a-watershed-of-25~~
11 square-miles-the outlet of a great pond or from the point of
confluence with another flowing body of water depicted on the
most recent edition of a United States Geological Survey
7.5-minute or 15-minute series topographic map to its mouth.

13 Sec. 2. 38 MRSA §482, sub-§4-E, as enacted by PL 1987, c. 812,
15 §§6 and 18, is amended to read:

17 4-E. River. "River" means a free-flowing body of water
19 from that point at which it provides ~~drainage-for-a-watershed-of~~
21 25-square-miles the outlet of a great pond or from the point of
confluence with another flowing body of water depicted on the
most recent edition of a United States Geological Survey
7.5-minute or 15-minute services topographic map to its mouth.

23
25 STATEMENT OF FACT

27 This bill changes the definition of "river" in the site
29 location of development laws and the mandatory zoning and
31 subdivision control laws to increase the jurisdiction of the
33 Department of Environmental Protection along certain water
35 bodies. Projects located within 250 feet of a river are subject
37 to Department of Environmental Protection review. Current law
describes only about 15% of rivers as "rivers" due to limitations
in the definition of the term. This bill expands the number of
water bodies included in the definition to approximately 40%.
The size of the watershed is dropped in favor of a map reference
to ease the resolution of questions about which water bodies
qualify as rivers.