

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2293

H.P. 1657

House of Representatives, February 7, 1990

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.

Ed Pert

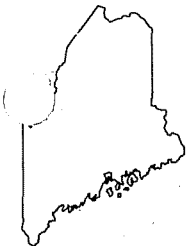
EDWIN H. PERT, Clerk

Presented by Representative SIMPSON of Casco.
Cosponsored by Senator BUSTIN of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Protect Lake Water Quality.



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

2
4 Sec. 1. 38 MRSA §424-A is enacted to read:

6 §424-A. Lake water quality protection

8 1. Lake vulnerability index. On or before January 1, 1991,
10 the board shall adopt, by rule, a lake vulnerability index
12 designed to categorize the great ponds of the State according to
14 their susceptibility to culturally-induced eutrophication. On or
16 before July 1, 1991, the board shall adopt, by rule, a list of
18 all great ponds larger than 100 acres in surface area categorized
20 according to the index. The board shall adopt, by rule, a list
of all great ponds of 100 acres or less in surface area
categorized according to the index on or before January 1, 1993.
In both lists, the board shall specifically identify those great
ponds that are highly susceptible to culturally-induced
eutrophication. For the purposes of this subsection
"culturally-induced eutrophication" has the same meaning as in
section 482, subsection 1-A.

22 2. Septic system inspection. On or after January 1, 1993, a
24 person may not operate a subsurface waste water disposal system
26 on property within the shoreland area as defined in section 435
28 unless the system has been inspected and approved by a person
30 licensed under Title 22, section 42. The person conducting the
inspection shall approve the system if that person finds that the
system is functioning satisfactorily and the owner or operator of
the system has shown that:

32 A. The system has received a permit and certificate of
approval from an individual certified under Title 30-A,
section 4221; or

34 B. The Department of Human Services has approved the design
36 and location of a replacement system that could be installed
in the event of a malfunction of the existing system.

38 The person operating the system shall file a copy of the
40 inspector's report with the municipal officers of the
42 municipality within which the system is located. If the system
is located in an unorganized township, the person shall file the
report with the Maine Land Use Regulation Commission.

44
46 Sec. 2. 38 MRSA §482, sub-§1-A is enacted to read:

48 1-A. Culturally-induced eutrophication. "Culturally-
induced eutrophication" means a process whereby the nutrient
50 content of, and living biomass supported by, a surface water body
is increased as a result of human activities.

2 **Sec. 3. 38 MRSA §482, sub-§5, ¶B,** as amended by PL 1987, c.
3 737, Pt. C, §§90 and 106 and as repealed and replaced by c. 812,
4 §§7 and 18; and as amended by PL 1989, c. 6; c. 9, §2; c. 104,
5 Pt. C, §§8 and 10, is repealed and the following enacted in its
6 place:

7 **B. When:**

8 (1) All lots are at least 5 acres in size;

9 (2) All lots less than 10 acres in size that:

10 (i) Are of such dimensions as to accommodate
11 within the boundaries of each a rectangle
12 measuring 200 feet by 300 feet that abuts at one
13 point the principal access way; or

14 (ii) Have at least 75 feet of frontage on a
15 cul-de-sac that provides access;

16 (3) The aggregate land area of all the lots makes up a
17 total of 100 acres or less;

18 (4) The subdivision is not located wholly or in part
19 in the shoreland zone; and

20 (5) The municipality in which the subdivision is
21 located has adopted a subdivision ordinance, or its
22 municipal reviewing authority has adopted subdivision
23 regulations, pursuant to Title 30-A, chapter 187,
24 subchapter IV;

25 **Sec. 4. 38 MRSA §482, sub-§5,** as amended by PL 1989, c. 6; c.
26 9, §2; c. 104, Pt. C, §§8 and 10; and c. 497, §12, is further
27 amended by adding before the last blocked paragraph a new blocked
28 paragraph to read:

29 The exception described in paragraphs A to C does not apply if
30 the lots described in those paragraphs are located within 1000
31 feet of a great pond or any tributary to a great pond identified
32 by the board as being highly susceptible to culturally-induced
33 eutrophication.

34 **Sec. 5. 38 MRSA §482-B** is enacted to read:

35 §482-B. Shorefront common areas

36 The department may not approve a subdivision with a
37 shorefront common area unless that area meets the following
38 criteria.

1. Size. The shorefront common area must contain a minimum of 2 acres and at least 4,000 square feet for each residential dwelling unit having access to or use of that area.

2. Frontage. The shorefront common area must have a minimum of 50 feet of shoreline frontage for each residential dwelling unit that has access to the common area and for each right-of-use granted to the common area.

3. Watercraft. Accommodations for motorized watercraft in a shorefront common area are limited to one watercraft for each 75 feet of shoreline frontage. This limit does not apply to motorized watercraft of transient visitors that remain at the common area for less than 24 hours.

STATEMENT OF FACT

The purpose of this bill is:

1. To establish a systematic approach to assessing the vulnerability of the water quality of great ponds to human activities;
2. To initiate an inspection and licensing process to evaluate the current status of all septic systems within the shoreland zone;
3. To override certain exemptions from the definition of the term "subdivision" within site location of development laws when development is proposed close to great ponds, the water quality of which could be easily affected by human activities; and
4. To place some control on "funnel development" by regulating the size and use of shorefront common areas.

In addition, section 3 of the bill corrects a substantive conflict between 2 paragraphs enacted by 2 public laws.