

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

---

Legislative Document

No. 572

H.P. 398

House of Representatives, February 12, 1991

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 KILKELLY of Wiscasset.

Cosponsored by Representative JACQUES of Waterville, Representative LORD of Waterboro and Representative GOULD of Greenville.

---

STATE OF MAINE

---

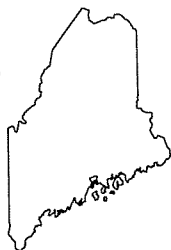
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

**An Act to Amend the Natural Resources Protection Laws.**

---

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, repair of existing access ways to residential dwellings needs to occur in the spring and early summer to repair winter storm damage; and

Whereas, obtaining permits through the Department of Environmental Protection may be a lengthy process; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §480-Q, sub-§10, as repealed and replaced by PL 1989, c. 878, Pt. A, §112, is amended to read:

10. **Aquaculture.** Aquaculture activities regulated by the Department of Marine Resources under Title 12, section 6072. Ancillary activities, including, but not limited to, building or altering docks or filling of wetlands, are not exempt from the provisions of this article; and

Sec. 2. 38 MRSA §480-Q, sub-§11, as enacted by PL 1989, c. 878, Pt. A, §113, is amended to read:

11. **Soil evaluation.** Borings taken to evaluate soil conditions in or adjacent to a great pond, river, stream or brook, coastal wetland, freshwater wetland or sand dune are exempt from the provisions of this article provided that no area of wetland vegetation is destroyed or permanently removed; and

Sec. 3. 38 MRSA §480-Q, sub-§12 is enacted to read:

12. Existing access ways. Normal maintenance and repair of existing access ways to residential dwellings as long as:

A. Erosion control measures are used;

B. No additional intrusion of the access way into the wetland occurs; and

C. A notice of intent to maintain or repair the access way and the description of the work to be completed is submitted to the commissioner and to the local municipal reviewing authority at least 20 days before the work is performed.

