MAINE STATE LEGISLATURE

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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.

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
2	become effective until 90 days after adjournment unless enacted
	as emergencies; and
4	
_	Whereas, repair of existing access ways to residential
6	dwellings needs to occur in the spring and early summer to repair
U	winter storm damage; and
	wincer scorm damage; and
8	WX7R
	Whereas, obtaining permits through the Department of
10	Environmental Protection may be a lengthy process; and
12	Whereas, in the judgment of the Legislature, these facts
	create an emergency within the meaning of the Constitution of
14	Maine and require the following legislation as immediately
	necessary for the preservation of the public peace, health and
16	safety; now, therefore,
Ţ.	
18	Be it enacted by the People of the State of Maine as follows:
20	Do it circulated by the x copies of the beats of the state ab tone with
20	
	Sec. 1. 38 MRSA §480-Q, sub-§10, as repealed and replaced by
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22	PL 1989, c. 878, Pt. A, §112, is amended to read:
24	10. Aquaculture. Aquaculture activities regulated by the
	Department of Marine Resources under Title 12, section 6072.
26	Ancillary activities, including, but not limited to, building or
	altering docks or filling of wetlands, are not exempt from the
28	provisions of this article; and
30	Sec. 2. 38 MRSA §480-Q, sub-§11, as enacted by PL 1989, c.
00	878, Pt. A, §113, is amended to read:
32	oro, it. A, gills, is uncluded to itad.
34	11. Soil evaluation. Borings taken to evaluate soil
34	conditions in or adjacent to a great pond, river, stream or
	brook, coastal wetland, freshwater wetland or sand dune are
36	exempt from the provisions of this article provided that no area
	of wetland vegetation is destroyed or permanently removed; and
38	
	Sec. 3. 38 MRSA §480-Q, sub-§12 is enacted to read:
40	to the second of the second
	12. Existing access ways. Normal maintenance and repair of
42	existing access ways to residential dwellings as long as:
44	A. Erosion control measures are used:
17	R. Broston Concrox measures are aseay
16	D. We edditional introduction of the pages were into the
46	B. No additional intrusion of the access way into the
	wetland occurs; and
48	
	C. A notice of intent to maintain or repair the access way
50	and the description of the work to be completed is submitted
	to the commissioner and to the local municipal reviewing
52	authority at least 20 days before the work is performed.

Sec. 4. Retroactivity. This Act applies retroactively to any enforcement action pending on January 1, 1991.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

This bill exempts routine repair and maintenance of existing
access ways to residential dwellings from the need to obtain a
permit under the natural resource protection laws. Conditions to
obtain this permit include no additional intrusion into the
wetland and notice to the Department of Environmental Protection
and the local municipal reviewing authority at least 20 days

prior to the work to be performed.

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