

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 641

H.P. 451

House of Representatives, February 14, 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 RUHLIN of Brewer.

Cosponsored by Representative DUFFY of Bangor, Senator BOST of Penobscot and Representative TUPPER of Orrington.

STATE OF MAINE

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

**An Act to Exempt Housing Developments of 6 Units or Less from the
Natural Resource Protection Laws in Certain Situations.**



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

38 MRSA §480-U is enacted to read:

§480-U. Multiunit housing exemption; certain freshwater wetlands

1. Exemption defined. The development of multifamily residential housing of 6 or fewer attached units is exempt from this article when the only protected natural resource affected by the development is a freshwater wetland that is not one of the following:

A. A great pond;

B. A freshwater wetland containing endangered or threatened plant species listed under Title 5, section 3315;

C. A freshwater wetland containing any type of palustrine natural community of which there are 20 or fewer occurrences in the State;

D. A freshwater wetland containing any of the following resources:

(1) Habitat for endangered or threatened species when there is evidence that the species are present;

(2) As defined by rule by the Commissioner of Inland Fisheries and Wildlife, high and moderate value deer wintering areas; travel corridors; high and moderate value waterfowl and wading bird habitats, shorebird nesting, feeding and staging areas; and seabird nesting islands; or

(3) Critical spawning and nesting areas for Atlantic sea run salmon as defined by rule by the Atlantic Sea Run Salmon Commission;

E. A freshwater wetland located within 250 feet of:

(1) A coastal wetland;

(2) The normal high water line, and within the same watershed of, any lake or pond classified as GPA under section 465-A; or

(3) The normal high water line of, and contiguous to, a river, stream or brook, including any impoundment not classified as GPA under section 465-A;

2 F. A freshwater wetland containing at least 20,000 square
4 feet of aquatic vegetation, emergent marsh vegetation or
6 open water during most of the growing season in most years;

8 G. A bog dominated by ericaceous shrubs, sedges and sphagnum
10 moss and usually having a saturated water regime; or

12 H. Lands adjacent to a river, stream or brook that are
14 inundated with flood water during a 100-year flood event and
16 that under normal circumstances support a prevalence of
18 wetland vegetation typically adapted for life in saturated
20 soils.

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STATEMENT OF FACT

18 This bill exempts from the natural resource protection laws
20 small housing developments that affect those wetlands that are
22 currently classified in the least sensitive category of wetlands
by the Department of Environmental Protection.