

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2276

H.P. 1615

House of Representatives, February 3, 1992

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.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HOGLUND of Portland.

Cosponsored by Senator TITCOMB of Cumberland, Representative JACQUES of Waterville
and Representative LORD of Waterboro.

STATE OF MAINE

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

**An Act to Amend the Definition of "Freshwater Wetlands" for Purposes
of Development Laws.**



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

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4 **Sec. 1. 38 MRSA §480-B, sub-§4**, as amended by PL 1989, c. 430,
§3, is further amended to read:

6 **4. Freshwater wetlands.** "Freshwater wetlands" means
freshwater swamps, marshes, bogs and similar areas which that are:

8
10 A. Of 10 or more contiguous acres, or of less than 10
contiguous acres and adjacent to a surface water body,
12 excluding any river, stream or brook, such that in a natural
state, the combined surface area is in excess of 10 acres;

14 B. Inundated or saturated by surface or ground water at a
frequency and for a duration sufficient to support, and
16 which that under normal circumstances do support, a
prevalence of wetland vegetation typically adapted for life
18 in saturated soils; and

20 C. Not considered part of a great pond, coastal wetland,
river, stream or brook.

22
24 These areas may contain small stream channels or inclusions of
land that do not conform to the criteria of this subsection.
26 Portions of freshwater wetlands that are physically separated by
a public road existing as of October 1, 1991 from the main body
of the freshwater wetland and that are entirely within 100 feet
28 of the road are not considered freshwater wetlands for purposes
of this article.

30 **Sec. 2. 38 MRSA §482, sub-§2-F**, as enacted by PL 1987, c. 812,
32 §§3 and 18, is amended to read:

34 **2-F. Freshwater wetlands.** "Freshwater wetlands" means
freshwater swamps, marshes, bogs and similar areas which that are:

36 A. Of 10 or more contiguous acres;

38 B. Characterized predominately by wetland vegetation; and

40 C. Not considered part of a great pond, coastal wetland,
42 river, stream or brook.

44 These areas may contain small inclusions of land that do not
conform to the criteria of this subsection. Portions of
46 freshwater wetlands that are physically separated by a public
road existing as of October 1, 1991 from the main body of the
48 freshwater wetland and that are entirely within 100 feet of the
road are not considered freshwater wetlands for purposes of this
50 article.

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STATEMENT OF FACT

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This bill amends the definition of freshwater wetlands to exclude small, low-value wetlands cut off from the main body of the freshwater wetland by existing roads. The definition is amended for the natural resources protection laws and the site location of development laws.

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