

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 168, L.D. 220, Bill, "An Act to Amend the Shoreland Zoning Law"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 38 MRSA §435, first ¶, as amended by PL 1989, c. 403, §3, is further amended to read:

To aid in the fulfillment of the State's role as trustee of its waters and to promote public health, safety and the general welfare, it is declared to be in the public interest that shoreland areas be subject to zoning and land use controls. Shoreland areas include those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, within 250 feet of the upland edge of a coastal ~~or~~-freshwater wetland, within 250 feet of the upland edge of a freshwater wetland except as otherwise provided in section 439-A, subsection 2, or within 75 feet of the high-water line of a stream. The purposes of these controls are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Sec. 2. 38 MRSA §436-A, sub-§9-A is enacted to read:

2 **9-A. Outlet stream.** "Outlet stream" means any perennial or
4 intermittent stream, as shown on the most recent edition of a
6 7.5-minute series or, if not available, a 15-minute series
 topographic map produced by the United States Geological Survey,
 that flows from a freshwater wetland.

8 **Sec. 3. 38 MRSA §438-A, sub-§2,** as corrected by RR 1991, c. 2,
10 §143, is amended to read:

12 **2. Municipal ordinances.** In accordance with a schedule
14 adopted by the board and acting in accordance with a local
16 comprehensive plan, municipalities shall prepare and submit to
18 the commissioner zoning and land use ordinances that are
20 consistent with or are no less stringent than the minimum
22 guidelines adopted by the board and, for coastal communities,
24 that address the coastal management policies cited in section
 1801. When a municipality determines that special local
 conditions within portions of the shoreland zone require a
 different set of standards from those in the minimum guidelines,
 the municipality shall document the special conditions and submit
 them, together with its proposed ordinance provisions, to the
 commissioner for review and approval.

26 Notwithstanding section 435, a municipality may limit to 75 feet
28 the shoreland zone around a freshwater wetland that has not been
30 rated by the Department of Inland Fisheries and Wildlife as
 having moderate or high value provided that the municipality
 applies the requirements of this article regarding streams as
 defined under section 436-A to any outlet stream from any
 freshwater wetland.

FISCAL NOTE

34 The Department of Environmental Protection will incur some
36 minor additional costs to review certain revised municipal
38 shoreland zoning ordinances. These costs can be absorbed within
 the department's existing budgeted resources.'

STATEMENT OF FACT

42 This amendment replaces the original bill. The amendment
44 allows a municipality to reduce to 75 feet the width of the
46 shoreland zone around freshwater wetlands of low value, as
48 determined by the Department of Inland Fisheries and Wildlife,
50 provided that the municipality treats the outlet streams from all
 freshwater wetlands in the same manner as other streams are
 treated under the shoreland zoning laws. The amendment also adds
 a fiscal note.