

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 573, L.D. 1730, Bill, "An Act to Implement the Recommendations of the Great Pond Task Force"

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

Sec. 1. 12 MRSA §7792, sub-§4-A is enacted to read:

4-A. Municipal regulation of horsepower, type, use and operation of watercraft. Municipalities may, subject to the provisions of this subsection, adopt ordinances to regulate the horsepower, use, operation and type of watercraft on great ponds. An ordinance prepared under this subsection must be approved by the commissioner prior to its adoption. If a municipality develops an ordinance under this subsection, the municipality shall take into consideration the use to which the waters proposed for regulation are put, the depth of the water, the amount of water-borne traffic on the waters, wildlife and environmental values, noise, traditional uses of the water body and the safety of persons and property. A proposed ordinance may be submitted to the commissioner only after a public hearing by the municipality or municipalities submitting the ordinance and must include a description of the resources the municipality or municipalities will use to enforce the ordinance if approved by the commissioner.

A single municipality may propose an ordinance regulating great ponds entirely within that municipality. For great ponds that border more than one municipality, the consent and participation of all municipalities in which those waters are located is necessary for approval by the commissioner. For great ponds that

border lands within the jurisdiction of the Maine Land Use Regulation Commission, the approval of the commission is also required.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

The Department of Inland Fisheries and Wildlife and the Land Use Regulation Commission within the Department of Conservation may incur some minor additional costs to approve certain municipal ordinances. These costs can be absorbed within the departments' existing budgeted resources.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

SUMMARY

This amendment replaces the bill.

The amendment allows towns to adopt ordinances regulating the horsepower, use, operation and type of watercraft on great ponds. Proposed ordinances must be approved by the Commissioner of Inland Fisheries and Wildlife prior to being adopted, in a manner similar to the way municipal shellfish conservation ordinances are adopted. In preparing an ordinance, the town must consider the use to which the waters proposed for regulation are put, the depth of the water, the amount of water-borne traffic on the waters, wildlife and environmental values, noise, traditional uses of the water body and the safety of persons and property.

A proposed ordinance may be submitted only after a public hearing and must include a description of the resources the municipality or municipalities will use to enforce the ordinance if approved by the commissioner.

SPONSORED BY: *Albert Goodwin*
(Representative GOODWIN)

TOWN: Pembroke