

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1164

S.P. 350

In Senate, February 28, 2001

An Act to Facilitate the Creation of Boat Launch Sites in the Maine Land Use Regulation Commission's Jurisdiction.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MARTIN of Aroostook.
Cosponsored by Representative DUNLAP of Old Town and
Senator KILKELLY of Lincoln, Representatives: CARR of Lincoln, CLARK of Millinocket,
DUGAY of Cherryfield, McGLOCKLIN of Embden, MICHAUD of Fort Kent, SHERMAN
of Hodgdon, TRAHAN of Waldoboro.

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

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3 **Sec. 1. 12 MRSA §685-B, sub-§1-A**, as enacted by PL 1999, c.
4 333, §13, is amended to read:

6 **1-A. Exceptions.** Except as provided in this section or by
7 commission rule:

8
9 A. A permit is not required for the repair and maintenance
10 of an existing road culvert or for the replacement of an
11 existing road culvert, as long as the replacement culvert is:

12 (1) No more than one standard culvert size wider in
13 diameter than the culvert being replaced;

14 (2) No more than 25% longer than the culvert being
15 replaced; and

16 (3) No longer than 75 feet.
17

18
19 Ancillary culverting activities, including excavation and
20 filling, are included in this exemption. A person
21 repairing, replacing or maintaining an existing culvert
22 under this paragraph shall ensure that erosion control
23 measures are taken to prevent sedimentation of the water and
24 that the crossing does not block fish passage in the water
25 course; ~~or~~

26
27 B. A permit is not required for those aspects of a project
28 approved by the Department of Environmental Protection under
29 Title 38 if the commission determines that the project is an
30 allowed use within the subdistrict or subdistricts for which
31 it is proposed. Notice of the intent to develop and a map
32 indicating the location of the proposed development must be
33 filed with the commission prior to or concurrently with
34 submission of a development application to the Department of
35 Environmental Protection; and

36
37 C. A permit is not required for boat launch sites approved
38 by any state agency if the commission determines that the
39 boat launch is an allowed use within the subdistrict for
40 which the boat launch is proposed. Notice of the intent to
41 develop and a map indicating the location of the proposed
42 boat launch site must be filed with the commission prior to
43 or concurrently with submission of a development application
44 to the Department of Environmental Protection. The
45 commission retains authority to ensure that the boat launch
46 is constructed in a manner that complies with rules adopted
47 by the commission and the Department of Environmental
48 Protection.
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SUMMARY

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6 This bill provides that Maine Land Use Regulation Commission
boat launch permits are no longer necessary on land within the
commission's jurisdiction if the launch has been approved by
8 another state agency and the commission determines that the boat
launch is an allowed use within the subdistrict for which the
10 boat launch is proposed. The commission retains the authority to
ensure that the launches are constructed according to current
12 environmental rules.