

MAINE STATE LEGISLATURE

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R. G. E.

L.D. 1810

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DATE: May 18, 2001

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**STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION**

SENATE AMENDMENT "A" to H.P. 1353, L.D. 1810, Bill, "An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine"

Amend the bill in section 11 by striking out all of the first indented paragraph (page 4, lines 18 to 24 in L.D.) and inserting in its place the following:

'When an owner applies for a variance to allow an excavation to be reclaimed as a pond of at least 10 acres but less than 30 acres in size, the department may require public access as a condition for granting the variance. When an owner applies for a variance to allow an excavation to be reclaimed as a pond of 30 acres or greater in size, the department may grant the variance only if the owner demonstrates that public access to the pond is ensured. The requirement for public access may be met by existing public rights or by granting an easement or other right including a right to travel a reasonable distance by foot to a designated area of the shoreline.'


SUMMARY

This amendment provides that when an owner applies for a variance to allow an excavation to be reclaimed as a pond of at least 10 acres but less than 30 acres in size, the Department of Environmental Protection may require public access as a condition for granting the variance. When an owner applies for such a variance for a pond of 30 acres or greater in size, the

SENATE AMENDMENT

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department may grant the variance only if the owner demonstrates
that public access to the pond is ensured.

SPONSORED BY: 
(Senator KILKELLY)

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