

MAINE STATE LEGISLATURE

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R.O.S.*

L.D. 1675

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DATE: 4-8-04

(Filing No. H-876)

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8 the House.

10 STATE OF MAINE
12 HOUSE OF REPRESENTATIVES
14 121ST LEGISLATURE
16 SECOND SPECIAL SESSION

18 HOUSE AMENDMENT "A" to H.P. 1251, L.D. 1675, Bill, "An Act
20 To Reestablish the Great Ponds Act"

22 Amend the bill by striking out all of the emergency preamble
(page 1, lines 1 to 15 in L.D.)

24 Further amend the bill by striking out all of sections 1 and
2 and inserting in their place the following:

'Sec. 1. 12 MRSA §13071-A is enacted to read:

26 §13071-A. Recommendations for regulating use, operation and type
28 of watercraft for great ponds within organized areas of
State

30 1. Recommendations. A municipality, with the approval of
32 its legislative body, or the Maine Land Use Regulation
34 Commission, referred to in this section as "the commission," may
36 submit recommendations to the commissioner for regulating the
38 use, operation, type and permissible motor size of watercraft on
40 great ponds within the jurisdiction of that municipality or the
42 commission. Recommendations for regulation submitted under this
subsection may include limits on horsepower, vessel draft and
type of watercraft and may apply to limited sections of the
affected water body. For great ponds that border more than one
municipality, recommendations may be submitted only after
approval by the legislative bodies of all municipalities in which
those waters are located. For great ponds that border lands
within the jurisdiction of the commission, the approval of the

HOUSE AMENDMENT

2 commission is also required. In preparing recommendations for
such waters, the municipality or the commission shall take into
 4 consideration:

6 A. The current and traditional uses of the water body;

8 B. The depth of the water and the amount of water-borne
traffic;

10 C. Wildlife habitat and other environmental values,
including any demonstration of threat to wildlife habitat
 12 not addressed by current law, including, but not limited to:

14 (1) A history of complaints to law enforcement of
harassment of wildlife or chronic disregard for boating
 16 law; and

18 (2) Assessment by state wildlife or fisheries
biologists, or both, that resources are at risk from
 20 intrusive human activities;

22 D. Noise levels and the safety of persons and property; and

24 E. Concerns unique to the affected communities, including,
but not limited to, access, land use and economic impact.

26 These recommendations may be submitted only after a public
 28 hearing and must include a description of the resources the
municipality or municipalities will use to enforce those
 30 regulations if enacted. The commission may submit
recommendations only after having held a public hearing near the
 32 affected area or in the municipality nearest to the affected
area. Notice of recommendations must be provided to nonresident
 34 taxpayers who would be affected by such recommendations, and such
nonresident taxpayers must be afforded an opportunity to comment
 36 on those recommendations at a public forum.

38 2. Submitting recommendations to commissioner. When
submitting recommendations to the commissioner, the municipality
 40 or the commission shall, at a minimum, submit detailed
information about the following:

42 A. Consideration of the items enumerated in subsection 1;

44 B. Plans for local enforcement efforts;

46 C. Public notice efforts taken by the municipality or the
 48 commission;

50 D. The process used to make recommendations and the
decisions by the local governing body; and

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2 E. A discussion of alternatives considered, whether or not
3 those alternatives were incorporated into the final
4 recommendations.

6 A municipality or the commission must submit its recommendations
7 and supporting documentation to the commissioner no later than
8 October 31st of each year in order for the recommendations to be
9 considered by the Legislature during the following regular
10 legislative session.

12 3. Commissioner evaluation. By January 15th of each year,
13 the commissioner shall submit to the joint standing committee of
14 the Legislature having jurisdiction over inland fisheries and
15 wildlife matters recommendations and supporting documentation
16 submitted under this section during the prior calendar year.
17 Before submitting recommendations to the committee, the
18 commissioner shall assign each recommendation to one of the
19 following categories:

20 A. "Complete," which means that the recommendation meets
21 all the requirements of this section and provides specific
22 and detailed information about key elements of those
23 requirements;

24 B. "Generally complete," which means that the
25 recommendation meets all the requirements of this section
26 but is vague or silent on key elements of those
27 requirements; or

28 C. "Not complete," which means that the recommendation does
29 not meet all the requirements of this section.

30 **Sec. 2. Development of informational packet.** The Department of
31 Inland Fisheries and Wildlife and the Office of Policy and Legal
32 Analysis shall develop an informational packet for municipalities
33 to aid them in implementing the Maine Revised Statutes, Title 12,
34 section 13071-A. Informational packets developed pursuant to
35 this section must be made available to municipalities through the
36 Office of the Executive Director of the Legislative Council.'

37 Further amend the bill in section 3 in the 3rd and 4th lines
38 (page 4, lines 46 and 47 in L.D.) by striking out the following:
39 "90 days after adjournment of the Second Regular Session of the
40 121st Legislature" and inserting in its place the following:
41 'April 1, 2005'

R.O.S.

HOUSE AMENDMENT "A" to H.P. 1251, L.D. 1675

2 Further amend the bill by striking out all of the emergency
clause (page 5, lines 1 to 3 in L.D.)

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SUMMARY

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This amendment makes the following changes to the bill.

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10 1. It requires that nonresident taxpayers have notice of
12 recommendations for regulation and that such nonresident
taxpayers be afforded an opportunity to comment on those
recommendations at a public forum.

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2. It clarifies that recommendations for regulation include
limits on horsepower, vessel draft and type of watercraft and may
apply to limited sections of the affected water body.

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3. It authorizes the Maine Land Use Regulation Commission
to take into consideration, when assessing wildlife habitat and
environmental values, any demonstration of threat to wildlife
habitat not addressed by current law.

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4. It strikes that section of the bill that enacts a
section of law that will be repealed as a result of Public Law
2003, chapter 414.

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5. It establishes an effective date of April 1, 2005 for
that section of this legislation that establishes the process for
review of recommendations regarding the restriction of watercraft
on great ponds.

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6. It directs the Department of Inland Fisheries and
Wildlife and the Office of Policy and Legal Analysis to develop
an informational packet for municipalities to aid them in
implementing the process established for regulating watercraft on
great ponds.

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FISCAL NOTE REQUIRED
(See attached)

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44 SPONSORED BY: 
46 (Representative DUNLAP)

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TOWN: Old Town

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HOUSE AMENDMENT

Approved: 04/07/04 *MAC*



121st Maine Legislature
Office of Fiscal and Program Review

LD 1675

An Act To Reestablish the Great Ponds Act

LR 2402(02)

Fiscal Note for House Amendment " "

Sponsor: Rep. Dunlap

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund