

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1675

H.P. 1251

House of Representatives, December 16, 2003

An Act To Reestablish the Great Ponds Act

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 16, 2003. Referred to the Committee on Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUNLAP of Old Town.
Cosponsored by Senator DAMON of Hancock and
Representatives: JACKSON of Fort Kent, McKEE of Wayne, MILLETT of Waterford,
MOODY of Manchester, RICHARDSON of Greenville, USHER of Westbrook, WATSON of
Bath, WOTTON of Littleton.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** this legislation establishes a process to review
requests for regulating the use of watercraft on great ponds; and

8 **Whereas,** it is essential to begin this process prior to the
summer season; and

10 **Whereas,** in the judgment of the Legislature, these facts
12 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
14 necessary for the preservation of the public peace, health and
safety; now, therefore,

16
18 **Be it enacted by the People of the State of Maine as follows:**

20 **Sec. 1. 12 MRSA §7800-B** is enacted to read:

22 **§7800-B. Recommendations for regulating use, operation and type**
of watercraft for great ponds within organized areas
of State

24 **1. Recommendations.** A municipality, with the approval of
26 its legislative body, or the Maine Land Use Regulation
Commission, referred to in this section as "the commission," may
28 submit recommendations to the commissioner for regulating the
use, operation, type and permissible motor size of watercraft on
30 great ponds within the jurisdiction of that municipality or the
commission. For great ponds that border more than one
32 municipality, recommendations may be submitted only after
approval by the legislative bodies of all municipalities in which
34 those waters are located. For great ponds that border lands
within the jurisdiction of the commission, the approval of the
36 commission is also required. In preparing recommendations for
such waters, the municipality or the commission shall take into
38 consideration:

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

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

44 C. Wildlife habitat and other environmental values;

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

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

2 These recommendations may be submitted only after a public
4 hearing and must include a description of the resources the
6 municipality or municipalities will use to enforce those
8 regulations if enacted. The commission may submit
10 recommendations only after having held a public hearing near the
12 affected area or in the municipality nearest to the affected area.

14 2. Submitting recommendations to commissioner. When
16 submitting recommendations to the commissioner, the municipality
18 or the commission shall, at a minimum, submit detailed
20 information about the following:

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

24 B. Plans for local enforcement efforts;

26 C. Public notice efforts taken by the municipality or the
28 commission;

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

34 E. A discussion of alternatives considered, whether or not
36 those alternatives were incorporated into the final
38 recommendations.

40 A municipality or the commission must submit its recommendations
42 and supporting documentation to the commissioner no later than
44 October 31st of each year in order for the recommendations to be
46 considered by the Legislature during the following regular
48 legislative session.

34 3. Commissioner evaluation. By January 15th of each year,
36 the commissioner shall submit to the joint standing committee of
38 the Legislature having jurisdiction over inland fisheries and
40 wildlife matters recommendations and supporting documentation
42 submitted under this section during the prior calendar year.
44 Before submitting recommendations to the committee, the
46 commissioner shall assign each recommendation to one of the
48 following categories:

34 A. "Complete," which means that the recommendation meets
36 all the requirements of this section and provides specific
38 and detailed information about key elements of those
40 requirements;

42 B. "Generally complete," which means that the
44 recommendation meets all the requirements of this section

2 but is vague or silent on key elements of those
3 requirements; or

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

6 Sec. 2. 12 MRSA §13071-A is enacted to read:

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9 §13071-A. Recommendations for regulating use, operation and type
10 of watercraft for great ponds within organized areas
11 of State

12
13 1. Recommendations. A municipality, with the approval of
14 its legislative body, or the Maine Land Use Regulation
15 Commission, referred to in this section as "the commission," may
16 submit recommendations to the commissioner for regulating the
17 use, operation, type and permissible motor size of watercraft on
18 great ponds within the jurisdiction of that municipality or the
19 commission. For great ponds that border more than one
20 municipality, recommendations may be submitted only after
21 approval by the legislative bodies of all municipalities in which
22 those waters are located. For great ponds that border lands
23 within the jurisdiction of the commission, the approval of the
24 commission is also required. In preparing recommendations for
25 such waters, the municipality or the commission shall take into
26 consideration:

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

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

30 C. Wildlife habitat and other environmental values;

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

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

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35 These recommendations may be submitted only after a public
36 hearing and must include a description of the resources the
37 municipality or municipalities will use to enforce those
38 regulations if enacted. The commission may submit
39 recommendations only after having held a public hearing near the
40 affected area or in the municipality nearest to the affected area.

41
42 2. Submitting recommendations to commissioner. When
43 submitting recommendations to the commissioner, the municipality
44 or the commission shall, at a minimum, submit detailed
45 information about the following:
46

- 2 A. Consideration of the items enumerated in subsection 1;
4 B. Plans for local enforcement efforts;
6 C. Public notice efforts taken by the municipality or the
8 commission;
10 D. The process used to make recommendations and the
12 decisions by the local governing body; and
14 E. A discussion of alternatives considered, whether or not
16 those alternatives were incorporated into the final
18 recommendations.

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36 wildlife matters recommendations and supporting documentation
38 submitted under this section during the prior calendar year.
40 Before submitting recommendations to the committee, the
42 commissioner shall assign each recommendation to one of the
44 following categories:

46 A. "Complete," which means that the recommendation meets
48 all the requirements of this section and provides specific
50 and detailed information about key elements of those
52 requirements;

54 B. "Generally complete," which means that the
56 recommendation meets all the requirements of this section
58 but is vague or silent on key elements of those
60 requirements; or

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

66 Sec. 3. Effective date. That section of this Act that enacts
68 the Maine Revised Statutes, Title 12, section 13071-A takes
70 effect 90 days after adjournment of the Second Regular Session of
72 the 121st Legislature.

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