

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 470

H.P. 320

House of Representatives, February 14, 2013

An Act Regarding Working Waterfront Projects

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WELSH of Rockport.
Cosponsored by Senator MAZUREK of Knox.

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

2 **Sec. 1. 38 MRSA §439-A, sub-§6**, as amended by PL 2007, c. 292, §22, is
3 further amended to read:

4 **6. Clearing of vegetation.** Within the shoreland area, municipal ordinances ~~shall~~
5 must provide for effective vegetative screening between buildings and shorelines.
6 Notwithstanding any provision in a local ordinance to the contrary, vegetative screening
7 requirements ~~shall~~ must be no less restrictive than the following:

8 A. Within a strip extending 75 feet inland from the normal high-water line, there
9 ~~shall may~~ be no cleared opening or openings, except for approved construction, ~~and a~~
10 ~~well distributed stand of vegetation shall be retained;~~

11 B. Within a shoreland area zoned for resource protection abutting a great pond there
12 ~~shall may~~ be no cutting of vegetation within the strip of land extending 75 feet inland
13 from the normal high-water line except to remove safety hazards; and

14 C. Selective cutting of no more than 40% of the total volume of trees 4.5 inches or
15 more in diameter, measured at 4 1/2 feet above ground level, is allowed in any 10-
16 year period, as long as a well-distributed stand of trees and other natural vegetation
17 remains.

18 The board may adopt more restrictive guidelines consistent with the purposes of this
19 subchapter, which ~~shall~~ must then be incorporated into local ordinances.

20 **Sec. 2. 38 MRSA §439-A, sub-§6-A** is enacted to read:

21 **6-A. Clearing of vegetation; exception.** The standards specified in subsection 6,
22 paragraphs A to C do not apply to:

23 A. Working waterfront land as defined in section 480-B, subsection 12; or

24 B. Land that is adjacent to a coastal wetland or to a river that does not flow to a great
25 pond classified GPA under section 465-A if that land is zoned as general
26 development or as a commercial fisheries and maritime activity zone or was
27 historically intensively developed with industrial or commercial uses and is part of a
28 state or federal brownfields program or a voluntary response action program under
29 section 343-E for cleanup of contamination for the purpose of redevelopment of the
30 property.

31 **Sec. 3. 38 MRSA §480-B, sub-§11** is enacted to read:

32 **11. Working waterfront activity.** "Working waterfront activity" means an activity
33 that qualifies a parcel of land as working waterfront land. "Working waterfront activity"
34 includes commercial fishing activities; boat building and repair; hauling, launching,
35 storage and berthing of boats; and other similar commercial activities that are dependent
36 on the waterfront. As used in this subsection, "commercial fishing activities" has the
37 same meaning as in Title 36, section 1132, subsection 3.

38 **Sec. 4. 38 MRSA §480-B, sub-§12** is enacted to read:

