

MAINE STATE LEGISLATURE

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Report A

L.D. 1490

Date: 6/6/2013

(Filing No. S-211)

ENVIRONMENT AND NATURAL RESOURCES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 555, L.D. 1490, Bill, "An Act To Amend the Mandatory Shoreland Zoning Laws"

Amend the bill by striking out all of section 4.

Amend the bill in section 7 in subsection 12 in the last line (page 2, line 20 in L.D.) by inserting after the following: "fences" the following: 'and poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors'

Amend the bill in section 7 in subsection 12 in the last line (page 2, line 20 in L.D.) by inserting after the following: "located." the following: 'As used in this subsection, "service drop" has the same meaning as in section 952.'

Amend the bill by striking out all of sections 11 and 12 and inserting the following:

'Sec. 11. 38 MRSA §439-A, sub-§6, as amended by PL 2007, c. 292, §22, is further amended to read:

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

A. Within a strip extending 100 feet inland from the normal high-water line of a great pond classified as GPA under section 465-A or a river that flows to a great pond classified as GPA under section 465-A or within a strip extending 75 feet inland from the normal high-water line of other water bodies or the upland edge of a wetland, there ~~shall~~ may be no cleared opening or openings, ~~except for approved construction,~~ greater than 250 square feet, and a well-distributed stand of vegetation ~~shall~~ must be retained. The restrictions in this paragraph do not apply to the construction of a structure or the establishment of a land use within 75 feet of the normal high-water line of a water body or upland edge of a wetland that is specifically allowed by municipal ordinance in a general development district, commercial fisheries and

COMMITTEE AMENDMENT

1 maritime activities district or other equivalent zoning district approved by the
2 commissioner;

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

6 C. ~~Selective~~ Except as otherwise provided in this paragraph, selective cutting of no
7 more than 40% of the total volume of trees 4.5 4 inches or more in diameter,
8 measured at 4 1/2 feet above ground level, is allowed in any 10-year period, ~~as long~~
9 ~~as a well distributed stand of trees and other natural vegetation remains.~~ Rules
10 adopted by the board may allow for 70% of a lot to be nonvegetated in a general
11 development district, commercial fisheries and maritime activities district or other
12 equivalent zoning district approved by the commissioner.

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

15 **Sec. 12. 38 MRSA §439-A, sub-§6-A** is enacted to read:

16 **6-A. Clearing of vegetation; exception.** The following exceptions to the standards
17 governing the clearing of vegetation apply.

18 A. The standards in subsection 6, paragraphs A and C do not apply to properties that
19 are located within areas designated as commercial fisheries and maritime activities
20 districts or other equivalent zoning districts approved by the commissioner that
21 support commercial fisheries and maritime activities if:

22 (1) The commissioner determines that special local conditions exist and a local
23 municipal ordinance is approved in accordance with section 438-A, subsection 3;
24 and

25 (2) The districts are in existence at the time this subsection becomes effective.

26 B. The standards in subsection 6, paragraphs A and C and any standards related to
27 the clearing of vegetation contained in a municipal ordinance enacted in accordance
28 with section 438-A, subsection 3 do not apply to remediation activities that are
29 necessary to clean up contamination on a site in a general development district,
30 commercial fisheries and maritime activities district or other equivalent zoning
31 district approved by the commissioner that is part of a state or federal brownfields
32 program or a voluntary response action program under section 343-E and that is
33 located along:

34 (1) A coastal wetland; or

35 (2) A river that does not flow to a great pond classified as GPA under section
36 465-A.'

37 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
38 section number to read consecutively.

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SUMMARY

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This amendment is the majority report of the committee.

1. It strikes the change to the definition of "height of a structure" proposed in the bill.
2. It amends the definition of "structure" to exclude poles, wiring and other aerial equipment normally associated with telephone or electrical utility lines.
3. It amends the standards related to the clearing of vegetation in the laws governing shoreland zoning and provides exceptions to those standards.

FISCAL NOTE REQUIRED

(See attached)



126th MAINE LEGISLATURE

LD 1490

LR 560(02)

An Act To Amend the Mandatory Shoreland Zoning Laws

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-211)
Committee: Environment and Natural Resources
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs incurred by the Department of Environmental Protection for rulemaking and other administrative duties related to addressing changes to the mandatory shoreland zoning laws in this bill can be absorbed within existing budgeted resources.