

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 40

S.P. 20

In Senate, January 20, 2015

### An Act To Protect Maine's Great Ponds

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Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

Cosponsored by Senators: DAVIS of Piscataquis, LANGLEY of Hancock, Representative:  
DUCHESNE of Hudson.

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

2 **Sec. 1. 38 MRSA §418-B** is enacted to read:

3 **§418-B. Prohibition on application of fertilizers near great ponds**

4 **1. Prohibition.** Notwithstanding any other provision of law, a person may not apply  
5 a fertilizer within 50 feet of the normal high-water line of a great pond. As used in this  
6 section, "fertilizer" has the same meaning as in section 419, subsection 1, paragraph A-3.

7 **2. Exceptions.** Subsection 1 does not apply to:

8 A. A fertilizer application for the purpose of agriculture. Nothing in this paragraph  
9 relieves a person applying a fertilizer for the purpose of agriculture from the  
10 obligation to comply with best management practices and all applicable requirements  
11 for a nutrient management plan in accordance with Title 7, chapter 747; or

12 B. A fertilizer application for the purpose of establishing or restoring vegetation to  
13 stop, slow or remediate shoreline erosion or damage pursuant to a recommendation  
14 from a soil sample test conducted by the University of Maine Cooperative Extension  
15 Service or other individual determined by the department to be qualified to conduct  
16 an appropriate soil sample test and make such a recommendation. The department  
17 may adopt rules setting forth the necessary criteria for an individual to be qualified  
18 under this paragraph. Rules adopted pursuant to this paragraph are routine technical  
19 rules as defined in Title 5, chapter 375, subchapter 2-A.

20 **SUMMARY**

21 This bill creates a prohibition on the application of fertilizers within 50 feet of the  
22 normal high-water line of a great pond, with exceptions for persons involved in  
23 agriculture or applying fertilizer to establish or restore vegetation to stop, slow or  
24 remediate shoreline erosion or damage.