

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE

FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

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1983

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED
and
FIRST SPECIAL SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
1983

Funds may be allocated from the account to meet any emergency expense necessarily incurred under any requirement of law or to pay expenses arising out of an emergency requiring an expenditure of money not provided by the Legislature. The Governor shall determine the necessity for these allocations upon consultation with the Commissioner of Transportation and the State Budget Officer.

All such allocations from the highway fund surplus account shall be supported by a statement of facts setting forth the necessity for the allocation. A copy of each order for an allocation, together with the statement of facts, shall be provided to the Legislative Finance Office, President of the Senate and Speaker of the House of Representatives when the allocation is made.

The State Controller shall include in his official annual financial report at the close of each fiscal year a statement showing all transfers made from the highway fund surplus account for the fiscal period.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective July 17, 1983.

CHAPTER 458

S.P. 598 - L.D. 1721

AN ACT to Promote the Wise Use and
Management of Maine's Outstanding River
Resources.

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

Sec. 1. 12 MRSA c. 200 is enacted to read: .

CHAPTER 200

MAINE'S RIVERS

§401. Maine's rivers

The Legislature finds:

1. Rivers and streams a natural resource. That the State's nearly 32,000 miles of rivers and streams comprise one of its most important natural resources, historically vital to the state's commerce and industry and to the quality of life enjoyed by Maine people;

2. Increase in value of rivers and streams. That the value of its rivers and streams has increased in recent years due to the improvement in the quality of their waters, the restoration of their fisheries, the growth in demand for hydropower and the expanding interest in river recreation activities, leading at times to conflict among these uses;

3. Use of rivers and streams. That its rivers and streams afford the state's people with major opportunities for the enjoyment of nature's beauty, unique recreational activities and solace from an industrialized society, as well as for economic expansion through the development of hydropower, the revitalization of waterfronts and ports and the attraction of both tourists and desirable new industries; and

4. Policy. That the best interests of the state's people are served by a policy which recognizes the importance that their rivers and streams have for meeting portions of several public needs, provides guidance for striking a balance among the various uses which affords the public maximum benefit and seeks harmony rather than conflict among these uses.

§402. Declaration of policy

In its role as trustee of the public waters, the Legislature declares that the well-being of the citizens of this State depends on striking a carefully considered and well-reasoned balance among the competing uses of the state's rivers and streams. Further, the Legislature declares that such a balance shall:

1. Restoration of water. Restore waters to a condition clean enough to allow fishing and swimming in all our rivers and streams;

2. Revitalization of waterfronts. Revitalize waterfronts and ports;

3. Maintenance of scenic beauty. Maintain, even in areas where development occurs, the scenic beauty and character of our rivers;

4. Interests of riparian owners. Recognize and

respect the rightful interests of riparian owners;

5. Increase hydroelectric power. Increase the hydroelectric power available to replace foreign oil in the State;

6. Hydropower development. Streamline procedures to facilitate hydropower development under reasoned environmental, technical and public safety constraints;

7. Fisheries. Restore anadromous fisheries and improve the productivity of inland fisheries;

8. Recreation. Expand the opportunities for outdoor recreation; and

9. Outstanding river stretches. Protect the special resource values of the flowing waters and shorelands of the State's most outstanding river stretches, as identified by the Department of Conservation's 1982 Maine Rivers Study and as specifically delineated in this chapter.

Further, the Legislature finds that with careful planning our foreseeable needs for all of these uses may be reasonably integrated harmoniously with one another on the state's 32,000 miles of rivers and streams.

§403. Special protection for outstanding rivers

The Legislature declares that certain rivers, because of their unparalleled natural and recreational values, provide irreplaceable social and economic benefits to the people in their existing state. It is the Legislature's intent that no new dams be constructed on these river and stream segments without the specific authorization of the Legislature, and that additional development or redevelopment of dams existing on these segments, as of the date of the enactment of this section, shall be designed and executed in a manner that either enhances or does not diminish the significant resource values of these river segments identified by the 1982 Maine Rivers Study. No license or permit under Title 38, sections 630 to 636 may be issued for construction of new dams on the river and stream segments subject to this special protection without the specific authorization of the Legislature, or for additional development or redevelopment of existing dams on the river and stream segments subject to this special protection where the additional development or redevelopment diminishes the significant resource values of these river and stream segments.

Further, the Legislature finds that projects inconsistent with this policy on new dams and redevelopment of existing dams will alter the physical and chemical characteristics and designated uses of the waters of these river and stream segments. It finds that these impacts are unacceptable and constitute violations of the state's water quality standards. The Legislature directs that no project which fails to meet the requirements of this section may be certified under the United States Clean Water Act, Section 401.

For purposes of this section, outstanding river and stream segments meriting special protection shall include:

1. Allagash River. The Allagash River from Gerald Brook in Allagash up to but not including the Churchill Dam in T.10, R.12, W.E.L.S., including its tributaries the Musquacook Stream from the Allagash River to the outlet of Third Musquacook Lake in T. 11, R. 11, W.E.L.S.; Allagash Stream from its inlet to Chamberlain Lake to the outlet of Allagash Pond in T.9, R.15, W.E.L.S.; and Chemquasabamticook Stream from its inlet into Long Lake to the outlet of Chemquasabamticook Lake, excluding Round Pond in T.13, R.12, W.E.L.S., Harvey Pond, Long Lake, Umsaskis Lake, Musquacook Lakes (1-2), Little Round Pond in T.8, R.13, W.E.L.S., Allagash Lake and Clayton Lake;

2. Aroostook River. The Aroostook River from and including the Sheridan Dam in Ashland to Millinocket Stream, including its tributaries Millinocket Stream from the Aroostook River to the outlet of Millinocket Lake; Munsungan Stream from the Aroostook River to the outlet of Little Munsungan Lake; St. Croix Stream from the Aroostook River to Hall Brook in T.9, R.5, W.E.L.S.; and the Big Machias River from the Aroostook River to the outlet of Big Machias Lake, excluding Round Pond in T.7, R.9, W.E.L.S.;

3. Dead River. The Dead River from the Kennebec River to the upstream limit of Big Eddy;

4. Dennys River. The Dennys River from Hinckley Point in Dennysville to the outlet of Meddybemps Lake;

5. East Machias River. The East Machias River, including the Maine River, from the Route 191 bridge in East Machias to the outlet of Pocomoonshine Lake, excluding Hadley Lake, Second Lake, Round Lake, Crawford Lake, Lower Mud Lake and Upper Mud Lake;

6. Fish River. The Fish River from its inlet into St. Froid Lake in T.14, R. 7, W.E.L.S. to the outlet of Mud Pond in T.13, R. 8, W.E.L.S., excluding Portage Lake, Round Pond and Fish River Lake.

7. Kennebec River. The Kennebec River from Bay Point in Georgetown to the Father Curran Bridge in Augusta and from the confluence of the Dead River with the Kennebec River up to, but not including, the Harris Dam in Indian Stream Township;

8. Machias River. The Machias River, including Fourth and Fifth Lake Streams, from Fort O'Brien in Machias to the outlet of Fifth Machias Lake, including its tributaries the West Branch Machias River from the Machias River to the outlet of Lower Sabao Lake; Old Stream from the Machias River to the outlet of First Lake; and Mopang Stream from the Machias River to the outlet of Mopang Second Lake, excluding Machias Lakes (1-4), Lower Pond and Mopang First Lake;

9. Mattawamkeag River. The Mattawamkeag River from the Penobscot River to the Mattawamkeag and Kingman Township townline.

10. Moose River. The Moose River from its inlet into Attean Pond to its confluence with Number One Brook in Beattie Township;

11. Narraguagus River. The Narraguagus River from the Route 1 bridge in Cherryfield to the outlet of Eagle Lake, excluding Beddington Lake and Deer Lake;

12. Penobscot River. The Penobscot River, including the Eastern Channel, from Sandy Point in Stockton Springs up to, but not including, the Veazie Dam, including its tributaries the West Branch of the Penobscot from its inlet into Ambajejus Lake to the western Boundary of T.3, R.10, and from its inlet into Chesuncook Lake up to, but not including, the dam at Seboomook Lake; the East Branch Penobscot River from the Penobscot River up to, but not including, the dam at the outlet of Grand Lake Matagamon; the Wassataquoik Stream from the East Branch of the Penobscot River to Annis Brook in T.4, R.9, W.E.L.S.; the Webster Brook from its inlet into Grand Lake Matagamon up to, but not including, Telos Dam in T.6, R.11, W.E.L.S.; the Seboeis River from the East Branch of the Penobscot River to the outlet of Snowshoe Lake; and the Sawtelle Brook from the Seboeis River up to, but not including, the dam at the outlet of Sawtelle Deadwater, excluding Passamagamet Lake, Webster Lake and White Horse Lake; Snowshoe Lake;

13. Pleasant River. The Pleasant River from Seavey Point in Addison to the outlet of Pleasant River Lake;

14. Rapid River. The Rapid River from the Magalloway Plantation and Upton townline to the outlet of Pond in the River;

15. Saco River. The Saco River from the Little Ossipee River to the New Hampshire border;

16. St. John River. The St. John River from one mile above the foot of Big Rapids in Allagash to the Baker Branch, including its tributaries the Big Black River from the St. John River to the Canadian border; the Northwest Branch from the St. John River to the outlet of Beaver Pond in T.12, R.17, W.E.L.S.; the Southwest Branch from the Baker Branch to 5 miles downstream of the Canadian border; and the Baker Branch from the St. John River to 1.5 miles below Baker Lake;

17. Sheepscot River. The Sheepscot River from the Route 1 bridge in Wiscasset to Halldale Road in Montville, excluding Long Pond and Sheepscot Pond, including its tributaries the West Branch of the Sheepscot from its confluence with the Sheepscot River in Whitefield to the outlet of Branch Pond in China; and

18. West Branch Pleasant River. The West Branch Pleasant River from the East Branch to the outlet of Fourth West Branch Pond in Shawtown Township, excluding Silver Lake and West Branch Ponds (1-3).

§404. Maine Guarantee Authority

The Maine Guarantee Authority may not finance any energy generating system project under Title 10, chapter 110, if that project is located in whole or in part on any river listed in section 403.

§405. St. Croix River

1. Special consideration. In consideration of the special status of the St. Croix River as an international boundary governed in part by the International Joint Commission and the Province of New Brunswick, the Legislature establishes the following provisions.

2. Commercial, industrial or residential development. Except as provided in this subsection, no person may undertake any further commercial, industrial or residential development in the area within 250 feet of the St. Croix River from the Grand Falls

flowage to the north end of Wingdam Island. The following activities shall be exempt from these provisions:

A. Development of hydroelectric or other dams, plants and related facilities or improvements subject to the conditions described in subsection 3;

B. A bridge at Vanceboro;

C. A haul road from Grand Falls;

D. Activities and developments related to timber harvesting, mining or extraction of sand and gravel; and

E. Any recreational management activity conducted or approved by the State.

3. New hydroelectric dams. No person may develop new hydroelectric dams on the St. Croix River from Grand Falls to the north end of Wingdam Island without first:

A. Having performed a feasibility study by a qualified consultant approved by the Governor to examine the alternative potentials for hydropower development downstream from Grand Falls and make the findings available to the State for review;

B. Having consulted with the office of the Governor or other agency of the State, designated by him, regarding the feasibility of this downstream development; and

C. Having determined that there exists no economically feasible site downstream from Grand Falls.

In the event that the State disagrees with any of the assumptions, findings or conclusions of the economic feasibility study, the comments of the State shall be considered and responded to by the consultant. These comments and the responses of the consultant shall be noted in the final report of the economic feasibility study.

4. Review. This section shall be reviewed every 5 years, and shall be repealed on January 1, 1988, unless reenacted by the Legislature for an additional 5-year period. In the event that the St. Croix River is included in any legislative Act or regulation which directly or indirectly has as its effect the essential prohibition of construction of new dams or development or redevelopment of existing dams on the

St. Croix River, this section shall be repealed on the effective date of that Act or regulation.

§406. Report

The State Planning Office shall provide a report no later than December 1, 1986, to the Legislature detailing the status of policy accomplishments pursuant to this chapter.

Sec. 2. 12 MRSA §4811, as amended by PL 1973, c. 564, §1, is further amended by adding after the first paragraph a new paragraph to read:

It is further declared that, in accordance with section 402, certain river and stream segments, as identified in the Department of Conservation's 1982 Maine Rivers Study and as specifically delineated in section 4811-B, are significant river segments and deserve special shoreland zoning controls designed to protect their natural and recreation features.

Sec. 3. 12 MRSA §4811-A, as enacted by PL 1973, c. 564, §2, is repealed and the following enacted in its place:

§4811-A. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Pond. "Pond" means any inland body of water which has a surface area in excess of 10 acres, except where the body of water is man-made and in addition is completely surrounded by land held by a single owner, and except those privately owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.

2. Principal structure. "Principal structure" means a building other than one which is used for purposes wholly incidental or accessory to the use of another building on the same premises.

3. River. "River" means a free flowing body of water from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

4. Screening. "Screening" means a buffer strip of vegetation retained between the permitted use and the normal high water mark of a protected river segment. Within this buffer strip, no clear cutting is permitted, except that openings not greater than 30 feet in width for every 100 feet of shoreline may

be created. Selective cutting of no more than 40% of the trees 4 inches or more in diameter measured at 4 1/2 feet above ground level is allowed in any 10-year period, provided that a well-distributed stand of trees remains.

Sec. 4. 12 MRSA §4811-B is enacted to read:

§4811-B. Significant river segments identified

For purposes of this chapter, significant river segments include the following:

1. Aroostook River. The Aroostook River from St. Croix Stream in Masardis to the Masardis and T.10, R.6, W.E.L.S. townline, excluding segments in T.9, R.5, W.E.L.S.; including its tributary the Big Machias River from the Aroostook River in Ashland to the Ashland and Garfield Plantation townlines;

2. Dennys River. The Dennys River from the railroad bridge in Dennysville Station to the dam at Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;

3. East Machias River. The East Machias River from 1/4 of a mile above the Route 1 bridge in East Machias to the East Machias and T.18, E.D., B.P.P. townline, and from the T.19, E.D., B.P.P. and Wesley townline to the outlet of Crawford Lake in Crawford, excluding Hadley Lake;

4. Fish River. The Fish River from the bridge in Fort Kent Mills to the Fort Kent and Wallagrass Plantation townline, and from the Portage Lake and T.14, R.6, townline to the Portage Lake and T.13, R.7, W.E.L.S. townline, excluding Portgage Lake;

5. Machias River. The Machias River from the Whitneyville and Machias townline to the Northfield T.19, M.D., B.P.P. townline;

6. Mattawamkeag River. The Mattawamkeag River from the outlet of Mattakeunk Stream in Winn to the Mattawamkeag and Kingman Township townline, and from the Reed Plantation and Bancroft townline to the East Branch, including its tributaries the West Branch from the Mattawamkeag River to the Haynesville T.3, R.3, W.E.L.S. townline and from its inlet into Upper Mattawamkeag Lake to the Route 2 bridge; the East Branch from the Mattawamkeag River to the Haynesville and Forkstown Township townline and from the T.4, R 3, W.E.L.S. and Oakfield townline to Red Bridge in Oakfield; the Fish Stream from the Route 95 bridge in Island Falls to the Crystal-Patten townline; and the Baskehegan Stream from its inlet into Crooked Brook

Flowage in Danforth to the Danforth and Brookton Township townline;

7. Narraguagus River. The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township townline, excluding Beddington Lake;

8. East Branch of Penobscot. The East Branch of the Penobscot from the Route 157 bridge in Medway to the East Millinocket and Grindstone Township townline;

9. Pleasant River. The Pleasant River from the railroad bridge in Columbia Falls to the Columbia and T.18, M.D., B.P.P. townline, and from the T.24, M.D., B.P.P. and Beddington townline to the outlet of Pleasant River Lake;

10. Rapid River. The Rapid River from the Magalloway Plantation and Upton townline to the outlet of Pond in the River;

11. West Branch Pleasant River. The West Branch Pleasant River from the East Branch to the Brownville and Williamsburg Township townline; and

12. West Branch of Union River. The West Branch of the Union River from the Route 9 bridge in Amherst to the outlet of Great Pond in the Town of Great Pond.

Sec. 5. 12 MRSA §§4815, 4816 and 4817 are enacted to read:

§4815. Enforcement

Any person who orders or conducts any activity in violation of a municipal ordinance adopted under this chapter shall be subject to a civil forfeiture of not less than \$100 nor more than \$1,000 for each offense.

The Attorney General, the district attorney or the municipal officers may enforce ordinances adopted under this chapter. The court may award municipalities reasonable attorney fees for actions under this section, and ordinances may provide that civil forfeitures shall inure to the municipality.

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in a shoreland area, as defined by section 4811, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials.

§4816. Guidelines for shoreland zoning along significant river segments

In addition to the guidelines adopted under section 4812, the following guidelines for the protection of the shorelands shall apply along significant river segments identified in section 4811-B. These guidelines are intended to maintain the special values of these particular river segments by protecting their scenic beauty and undeveloped character.

1. New principal structures. New principal structures, except for structures related to hydropower facilities, shall be set back a minimum of 125 feet from the normal high-water mark of the river. These structures shall be screened from the river by existing vegetation.

2. New roads. Developers of new permanent roads, except for those providing access to a structure or facility allowed in the 250-foot zone, shall demonstrate that no reasonable alternative route outside of the zone exists. When roads must be located within the zone, they shall be set back as far as practicable from the normal high-water mark and screened from the river by existing vegetation.

3. New gravel pits. Developers of new gravel pits shall demonstrate that no reasonable mining site outside of the zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water mark and no less than 75 feet and screened from the river by existing vegetation.

§4817. Municipal ordinance review and certification

Each municipality with shorelands along significant river segments, as identified in section 4811-B, shall review the adequacy of the zoning on these shorelands to protect the special values cited for these river segments by the Department of Conservation's 1982 Maine Rivers Study and for consistency with the guidelines established under section 4816. Prior to December 15, 1984, each such municipality shall certify to the State Planning Office either that its existing zoning for these areas is at least as restrictive as the guidelines established under section 4816, or that it has amended its zoning for this purpose. This certification shall be accompanied by the ordinances and zoning maps covering these areas. Failure to accomplish the purposes of this subsection shall result in adoption of suitable ordinances for these municipalities, as provided for in section 4813.

Sec. 6. 12 MRSA §7776-A is enacted to read:

§7776-A. Special protection for outstanding river segments

In accordance with section 402, outstanding river segments shall include:

1. Aroostook River. The Aroostook River from the Canadian border to the Masardis and T.10, R.6, W.E.L.S. townline, excluding the segment in T.9, R.5, W.E.L.S., including its tributaries the Big Machias River from the Aroostook River to the Ashland and Garfield Plantation townline and the St. Croix Stream from the Aroostook River in Masardis to the Masardis and T.9, R.5, W.E.L.S. townline;

2. Carrabassett River. The Carrabassett River from the Kennebec River to the Carrabassett Valley and Mt. Abram Township townline;

3. Crooked River. The Crooked River from its inlet into Sebago Lake in Casco to the Waterford and Albany Township townlines;

4. Dennys River. The Dennys River from the railroad bridge in Dennysville Station to the outlet of Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;

5. East Machias River. The East Machias River, including the Maine River, from the old powerhouse in East Machias to the East Machias and T.18, E.D., B.P.P. townline, from the T.19, E.D., B.P.P. and Wesley townline to the outlet of Crawford Lake, and from the No. 21 Plantation and Alexander townline to the outlet of Pocomoonshine Lake, excluding Hadley Lake, Lower Mud Pond and Upper Mud Pond;

6. Fish River. The Fish River from the bridge in Fort Kent Mills to the Fort Kent and Wallagrass Plantation townline, from the T.16, R.6, W.E.L.S. and Eagle Lake townline to the Eagle Lake and Winterville Plantation townline, and from the T.14, R.6, W.E.L.S. and Portage Lake townline to the Portage Lake and T.13, R.7, W.E.L.S. townline, excluding Portage Lake;

7. Kennebago River. The Kennebago River from its inlet into Cupsuptic Lake to the Rangeley and Lower Cupsuptic Township townline;

* 8. Kennebec River. The Kennebec River from the Route 148 bridge in Madison to the Caratunk and The Forks Plantation townline, excluding the western shore in Concord Township, Pleasant Ridge Plantation

and Carrying Place Township, and excluding Wyman Lake;

9. Machias River. The Machias River from the Route 1 bridge to the Northfield and T.19, M.D., B.P.P. townline, including its tributaries the Old Stream from the Machias River to the northern most crossing of the Wesley and T.31, M.D., B.P.P. townline, excluding the segments in T.25, M.D., B.P.P. and T.31, M.D., B.P.P.;

10. Mattawamkeag River. The Mattawamkeag River from the Penobscot River to the Mattawamkeag and Kingman Township townline, and from the Reed Plantation and Bancroft townline to the East Branch, including its tributaries the West Branch from the Mattawamkeag River to the Haynesville and T.3, R.3, W.E.L.S. townline and from its inlet into Upper Mattawamkeag Lake in Island Falls to the Hersey and Moro Plantation townline; the East Branch from the Mattawamkeag River to the Haynesville and Forkstown Township townline and from the T.4, R.3, W.E.L.S. and Oakfield townline to the Smyrna and Dudley Township townline; the Fish Stream for the West Branch of the Mattawamkeag River to the Crystal and Patten townline; the Molunkus Stream from the Silver Ridge Township and Benedicta townline to the East Branch Molunkus Stream; the Macwahoc Stream from the Silver Ridge Township and Sherman townline to the outlet of Macwahoc Lake; and the Baskehegan Stream from the Mattawamkeag River to the Danforth and Brookton Township townline, and from the Brookton Township and Topsfield townline to the Topsfield and Kossuth Township townline, excluding Baskehegan Lake and Crooked Brook Flowage;

11. Narraguagus River. The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township townline, excluding Beddington Lake;

12. Penobscot River. The Penobscot River from the Bangor Dam in Bangor to the Veazie Dam and its tributary the East Branch of the Penobscot from the Penobscot River to the East Millinocket and Grindstone Township townline;

13. Piscataquis River. The Piscataquis River from the Penobscot River to the Monson and Blanchard Plantation townline, including its tributaries the East and West Branches of the Piscataquis River from the Blanchard Plantation and Shirley townline to the Shirley and Little Squaw Township townline; the Seboeis Stream from its confluence with the Piscataquis River in Howland to the Howland and Mattamiscontis Township townline and from the

Mattamiscontis and Maxfield townline to the Maxfield and Seboeis Plantation townline, excluding Shirley Pond and West Shirley Bog;

14. Pleasant River. The Pleasant River from the dam in Columbia Falls (formerly the Hathaway Dam) to the Columbia and T.18, M.D., B.P.P. townline, and from the T.24, M.D., B.P.P. and Beddington townline to the outlet of Pleasant River Lake in Beddington;

15. Rapid River. The Rapid River from the Magalloway Plantation and Upton townline to the outlet of Pond in the River;

16. Saco River. The Saco River from the Little Ossipee River to the New Hampshire border;

17. St. Croix River. The St. Croix River from the cotton mill dam in Milltown to the Calais and Baring Plantation townline, from the Baring Plantation and Baileyville townline to the Baileyville and Fowler Township townline, and from the Lambert Lake Township and Vanceboro townline to the outlet of Spednik Lake, excluding Woodland Lake and Grand Falls Flowage;

18. St. George River. The St. George River from the Route 90 bridge in Warren to the outlet of Lake St. George in Liberty, excluding White Oak Pond, Seven Tree Pond, Round Pond, Sennebec Pond, Trues Pond, Stevens Pond and Little Pond;

19. St. John River. The St. John River from the Hamlin Plantation and Van Buren townline to the Fort Kent and St. John Plantation townline, and from the St. John Plantation and St. Francis townline to the Allagash and St. Francis townline;

20. Sandy River. The Sandy River from the Kennebec River to the Madrid and Township E townline;

21. Sheepscot River. The Sheepscot River from the Head Tide dam in Alna to the Halldale Road in Montville, excluding Long Pond and Sheepscot Pond, including its tributary the West Branch of the Sheepscot from its confluence with the Sheepscot River in Whitefield to the outlet of Branch Pond in China;

22. West Branch Pleasant River. The West Branch Pleasant River from the East Branch to the Brownville and Williamsburg Township townline; and

23. West Branch Union River. The West Branch Union River from the Route 181 bridge in Mariaville to the outlet of Great Pond in the Town of Great Pond.

Sec. 7. 12 MRSA §7777, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. Eligibility. In order to obtain a permit, an applicant shall demonstrate to the satisfaction of the commissioner that the proposed activity will not:

A. Unreasonably interfere with existing recreational and navigational uses;

B. Cause unreasonable soil erosion;

C. Unreasonably interfere with the natural flow of any waters;

D. Unreasonably harm any wildlife habitat; and

E. Lower the quality of any waters.

If the proposed activity is a crossing of an outstanding river segment, as identified in section 7776-A, the applicant shall demonstrate that no reasonable alternative exists which would have less adverse effect upon the natural and recreation features of the river segment.

Sec. 8. 12 MRSA §7780, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. Public works and private crossing and dam projects. Notwithstanding section 7776, that section shall not apply to river, stream or brook crossings in connection with public works projects which alter not more than a total of 300 feet in any mile of shore nor to private crossing or dam projects which alter not more than a total of 100 feet in any mile of shore. Alterations to both shores of the river, stream or brook shall be combined in arriving at a total shore footage. This exception shall not apply to any project on outstanding river segments, as identified in section 7776-A.

Sec. 9. 30 MRSA c. 203-A is enacted to read:

CHAPTER 203-A

RIVER CORRIDOR COMMISSIONS

§1961. River corridor commissions encouraged

1. Findings. The Legislature finds:

A. That the effectiveness of local governments in implementing their responsibilities under shoreland zoning can be enhanced by coordination and cooperation among municipalities;

B. That river corridor commissions have proven their effectiveness as one mechanism to bring about such coordination and cooperation;

C. That additional river corridor commissions are not likely to be formed without state encouragement and incentives; and

D. That such cooperation serves state interests as stated in Title 12, section 402 and chapter 424.

2. Purpose. It is the policy of the State to encourage the formation of river corridor commissions. The purpose of this law is to:

A. Clarify procedures for forming river corridor commissions;

B. Delegate authority to the Commissioner of Conservation to approve acceptable proposals to form the river corridor commissions;

C. Grant additional powers to those river corridor commissions beyond those provided for in chapter 203; and

D. Provide a portion of the funding for the operation of the river corridor commissions.

§1962. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Commission. "Commission" means a river corridor commission granted approval by the commissioner under section 1963.

2. Commissioner. "Commissioner" means the Commissioner of Conservation.

3. Department. "Department" means the Department of Conservation.

§1963. Approval of river corridor commissions

The commissioner may grant commission status and all the privileges and powers enjoyed by the commissions, as specified in this chapter, when he finds that:

1. Occupation of shoreland by 2 or more municipalities. Two or more municipalities, which collectively occupy enough of the shoreland on a river segment to be effective in managing the shorelands of

the river, have entered into an agreement, pursuant to the requirements of chapter 203, which satisfies the requirements of section 1964;

2. Comprehensive plan. The same municipalities have prepared a comprehensive plan which satisfies the requirements of section 1965;

3. Ordinance. The same municipalities have prepared an ordinance to implement the comprehensive plan which satisfies the requirements of section 1966; and

4. Other commissions. No other commission exists on the same river, or the distance between the proposed and existing commissions makes the formation of one larger commission impractical.

§1964. Interlocal agreement

In addition to the requirements of section 1953, the interlocal agreement shall be consistent with regulations adopted by the commissioner under the Maine Administrative Procedure Act, Title 5, chapter 375. These regulations may include, but are not limited to:

1. Minimum duration. The minimum duration of the agreement;

2. Members; appointment. How members may be appointed;

3. Municipal responsibilities for financing. What the towns' responsibilities for financing the commission are; and

4. Withdrawal. How and under what circumstances towns may withdraw from the commission.

§1965. Comprehensive plan

The comprehensive plan shall be consistent with rules adopted by the commissioner under the Maine Administrative Procedure Act, Title 5, chapter 375. These rules may include, but are not limited to:

1. Resources; problems. What resources or problems the plan must address;

2. Information; analyses. Information and analyses the plan must contain; and

3. Specificity; clarity. The degree of specificity and clarity sought in the plan.

§1966. Ordinance

The ordinance to implement the plan shall be at least as restrictive as the state's guidelines for municipal shoreland zoning ordinances and shall supersede existing shoreland zoning ordinances. The ordinance shall contain adequate procedures for processing permit requests and for considering appeals of a decision made by the commission.

§1967. Powers of a river corridor commission

Notwithstanding the provisions of section 1953, subsection 6, an approved commission may exercise the following powers:

1. Amendment to comprehensive plan. To amend the comprehensive plan, after notice and hearing on the proposed amendment in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375;

2. Adoption of rules, regulations or ordinances. To adopt and amend rules, regulations or ordinances covering an area up to 500 feet from the normal high-water mark necessary to implement the comprehensive plan, after notice and hearing on the proposed amendment or adoption, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375;

3. Issuance of permits. To issue permits, subject to reasonable conditions for activities requiring permits, or to deny permits pursuant to ordinances and regulations adopted by the commission;

4. Fees. To assess fees for permit or variance applications, or for any publications of the commission;

5. Suit. To sue and be sued; and

6. Enforcement. To enforce the rules, ordinances or regulations of the commission by instituting any lawful action, injunction or other proceeding to prevent, restrain, correct or abate any violation of its rules, regulations or ordinances, and to impose fines as permitted under Title 12, chapter 424.

§1968. Commission budget; financing; staff

The commission shall prepare and submit to the commissioner a biennial budget sufficient to cover its operating and other expenses. Provided the commission continues to satisfy the requirements of section 1963, the commissioner shall request funds to match the funds raised by the commission. In no event may the state contribution exceed \$25,000 for

any one commission in any year. The commission may accept contributions of any type from any source to assist it in carrying out its assigned tasks, and make such agreements with respect to the administration of such funds, not inconsistent with the purpose of this law, as are required as conditions precedent to receiving such funds, federal or otherwise. Staff of the commission shall not be considered employees of the State.

§1969. Appeals to Superior Court

Except where otherwise specified by law, any party or person aggrieved by any order or decision of the commission may, within 30 days after notice of the filing of that order or decision, appeal to the Superior Court by filing a notice of appeal stating the grounds for appeal. The appeals shall be taken pursuant to Title 5, section 11001.

Sec. 10. 30 MRSA §4956, sub-§1, as repealed and replaced by PL 1975, c. 475, §1, is amended by adding at the end a new paragraph to read:

A "densely developed area" is defined as any commercial, industrial or compact residential area of 10 or more acres with an existing density of at least one principal structure per 2 acres. A principal structure is defined as any building other than one which is used for purposes wholly incidental or accessory to the use of another building on the same premises.

Sec. 11. 30 MRSA §4956, sub-§1-A is enacted to read:

1-A. Special protection for the shorelands of outstanding river segments. In accordance with Title 12, section 402, outstanding river segments shall include:

A. The Aroostook River from the Canadian border to the Masardis and T.10, R.6, W.E.L.S. townline, excluding the segment in T.9, R.5, W.E.L.S.;

B. The Carrabassett River from the Kennebec River to the Carrabassett Valley and Mt. Abram Township townline;

C. The Crooked River from its inlet into Sebago Lake to the Waterford and Albany Township townline;

D. The Damariscotta River from the Route 1 bridge in Damariscotta to the dam at Damariscotta Mills;

E. The Dennys River from the Route 1 bridge to the outlet of Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;

F. The East Machias River, including the Maine River, from 1/4 of a mile above the Route 1 bridge to the East Machias and T.18, E.D., B.P.P. townline, from the T.19, E.D., B.P.P. and Wesley townline to the outlet of Crawford Lake, and from the No. 21 Plantation and Alexander townline to the outlet of Pocomoonshine Lake, excluding Hadley Lake, Lower Mud Pond and Upper Mud Pond;

G. The Fish River from the bridge at Fort Kent Mills to the Fort Kent and Wallagrass Plantation townline, from the T.16, R.6, W.E.L.S. and Eagle Lake townline to the Eagle Lake and Winterville Plantation townline, and from the T.14, R.6, W.E.L.S. and Portage Lake townline to the Portage Lake and T.13, R.7, W.E.L.S. townline, excluding Portage Lake;

H. The Kennebago River from its inlet into Cupsuptic Lake to the Rangeley and Lower Cupsuptic Township townline;

I. The Kennebec River from Thorns Head Narrows in North Bath to the Edwards Dam in Augusta, excluding Perkins Township, and from the Route 148 bridge in Madison to the Caratunk and The Forks Plantation townline, excluding the western shore in Concord Township, Pleasant Ridge Plantation and Carrying Place Township and excluding Wyman Lake;

J. The Machias River from the Route 1 bridge to the Northfield and T.19, M.D., B.P.P. townline;

K. The Mattawamkeag River from the Penobscot River to the Mattawamkeag and Kingman Township townline, and from the Reed Plantation and Bancroft townline to the East Branch in Haynesville;

L. The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township townlines, excluding Beddington Lake;

M. The Penobscot River, including the Eastern Channel, from Sandy Point in Stockton Springs to the Veazie Dam and its tributary the East Branch of the Penobscot from the Penobscot River to the East Millinocket and Grindstone Township townline;

N. The Piscataquis River from the Penobscot River to the Monson and Blanchard Plantation townline;

O. The Pleasant River from the bridge in Addison to the Columbia and T.18, M.D., B.P.P. townline, and from the T.24, M.D., B.P.P. and Beddington townline to the outlet of Pleasant River Lake;

P. The Rapid River from the Magalloway Plantation and Upton townline to the outlet of Pond in the River;

Q. The Saco River from the Little Ossipee River to the New Hampshire border;

R. The St. Croix River from the Route 1 bridge in Calais to the Calais and Baring Plantation townline, from the Baring Plantation and Baileyville townline to the Baileyville and Fowler Township townline, and from the Lambert Lake Township and Vanceboro townline to the outlet of Spednik Lake, excluding Woodland Lake and Grand Falls Flowage;

S. The St. George River from the Route 1 bridge in Thomaston to the outlet of Lake St. George in Liberty, excluding White Oak Pond, Seven Tree Pond, Round Pond, Sennebec Pond, Trues Pond, Stevens Pond and Little Pond;

T. The St. John River from the Van Buren and Hamlin Plantation townline to the Fort Kent and St. John Plantation townline, and from the St. John Plantation and St. Francis townline to the Allagash and St. Francis townline;

U. The Sandy River from the Kennebec River to the Madrid and Township E townline;

V. The Sheepscot River from the railroad bridge in Wiscasset to the Halldale Road in Montville, excluding Long Pond and Sheepscot Pond, including its tributary the West Branch of the Sheepscot from its confluence with the Sheepscot River in Whitefield to the outlet of Branch Pond in China;

W. The West Branch Pleasant River from the East Branch in Brownville to the Brownville and Williamsburg Township townline; and

X. The West Branch Union River from the Route 181 bridge in Mariaville to the outlet of Great Pond in the Town of Great Pond.

Sec. 12. 30 MRSA §4956, sub-§3, ¶L, as repealed

and replaced by PL 1971, c. 454, is amended to read:

L. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of ~~such~~ that body of water or unreasonably affect the shoreline of ~~such~~ that body of water.

Furthermore, when lots in a subdivision have frontage on an outstanding river segment, as defined in subsection 1-A, the proposed subdivision plan shall require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore. These frontage and set-back provisions shall not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 12, section 4813, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed shall be based on a finding that, as of the effective date of this Act, existing development meets the requirements of subsection 1.

Sec. 13. 33 MRSA §668, first ¶, as enacted by PL 1969, c. 566, §2, is amended to read:

No conservation restriction as defined in section 667 held by any governmental body or held on a river shoreline by a private nonprofit corporation of this State, whose purposes include conservation of land or water areas or of a particular ~~such~~ may be unenforceable on account of lack of privity of estate or contract or lack of benefit to particular land or on account of the benefit being assignable or being assigned to any other governmental body or, a private nonprofit corporation of this State with like purposes. All such restrictions shall be duly recorded and indexed in the registry of deeds for the county where the land lies so as to affect its title, in the manner of other conveyances of interests in land, and shall describe the land subject to ~~said~~ the restrictions by adequate legal description or by reference to a recorded plan showing its boundaries.

Sec. 14. 38 MRSA §621, as enacted by PL 1979, c. 465, is repealed.

Sec. 15. 38 MRSA §622, as amended by PL 1981, c. 470, Pt. A, §168, is repealed.

Sec. 16. 38 MRSA §§623-625, as enacted by PL 1979, c. 465, are repealed.

Sec. 17. 38 MRSA §626, as amended by PL 1981, c. 470, Pt. A, §169, is repealed.

Sec. 18. 38 MRSA c. 5, sub-c. 1, Art. 1, sub-art. 1-B is enacted to read:

Subarticle 1-B. Permits for hydropower projects

§630. Short title

This subarticle may be cited and referred to in proceedings and agreements as the "Maine Waterway Development and Conservation Act."

§631. Purposes

1. Findings. The Legislature finds and declares that the surface waters of the State constitute a valuable indigenous and renewable energy resource; and that hydropower development utilizing these waters is unique in its benefits and impacts to the natural environment, and makes a significant contribution to the general welfare of the citizens of the State for the following reasons.

A. Hydropower is the state's only economically feasible, large-scale energy resource which does not rely on combustion of a fuel, thereby avoiding air pollution, solid waste disposal problems and hazards to human health from emissions, wastes and by-products. Hydropower can be developed at many sites with minimal environmental impacts, especially at sites with existing dams or where current type turbines can be used.

B. Like all energy generating facilities, hydropower projects can have adverse effects; in contrast with other energy sources, they may also have positive environmental effects. For example, hydropower dams can control floods and augment downstream flow to improve fish and wildlife habitats, water quality and recreational opportunities.

C. Hydropower is presently the state's most significant indigenous resource that can be used to free our citizens from their extreme dependence on foreign oil for peaking power.

2. Policy and purpose. The Legislature declares that hydropower justifies singular treatment. The Legislature further declares that it is the policy of the State to support and encourage the development of

hydropower projects by simplifying and clarifying requirements for permits, while assuring reasonable protection of natural resources and the public interest in use of waters of the State. It is the purpose of this subarticle to require a single application and permit for the construction of all hydropower projects and for the reconstruction or structural alteration of certain projects, including water storage projects. The permit application process shall be administered by the Department of Environmental Protection, except that, for hydropower projects within the jurisdiction of the Maine Land Use Regulation Commission, the commission shall administer the permit application process under this subarticle.

§632. Definitions

As used in this subarticle, unless the context indicates otherwise, the following terms have the following meanings.

1. Board. "Board" means the Board of Environmental Protection, except that, for any hydropower project within the jurisdiction of the Maine Land Use Regulation Commission, "board" means the Maine Land Use Regulation Commission.

2. Department. "Department" means the Department of Environmental Protection.

3. Hydropower project. "Hydropower project" means any development which utilizes the flow of water as a source of electrical or mechanical power or which regulates the flow of water for the purpose of generating electrical or mechanical power. A hydropower project development includes all powerhouses, dams, water conduits, transmission lines, water impoundments, roads and other appurtenant works and structures that are part of the development.

§633. Prohibition

1. Permit required. No person may initiate construction or reconstruction of a hydropower project, or structurally alter a hydropower project in ways which change water levels or flows above or below the dam, without first obtaining a permit from the board.

2. Exceptions. This subarticle shall not apply to activities for which, prior to the effective date of this Act, a permit or permits have been issued pursuant to any of the following laws: Land use regulation laws, Title 12, sections 681 to 689; stream alteration laws, Title 12, sections 7776 to 7780; great ponds laws, sections 391 to 394; altera-

tion of coastal wetlands laws, sections 471 to 478; site location of development laws, sections 481 to 490; and small hydroelectric generating facilities laws, sections 621 to 626.

3. Exemptions. Normal maintenance and repair of an existing and operating hydropower project shall be exempt from this subarticle, provided that:

A. The activity does not involve any dredging or filling below the normal high-water line of any great pond, coastal wetland, river, stream or brook; and

B. The activity does not involve any dredging or filling on the land adjacent to any great pond, coastal wetland, river, stream or brook such that any dredged spoil, fill or structure may fall or be washed into those waters.

§634. Permit requirements

1. Coordinated permit review. Permits required under the following laws shall not be required by any state agency for projects reviewed or exempted from review under this subarticle: Land use regulation laws, Title 12, sections 681 to 689; stream alteration laws, Title 12, sections 7776 to 7780; great ponds laws, sections 391 to 394; alteration of coastal wetlands laws, sections 471 to 478; and site location of development laws, sections 481 to 490. Notwithstanding section 654, the board may attach reasonable conditions consistent with this Act concerning the operation of hydropower projects. The board shall give written notice to the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources of the intent of any applicant for a permit to construct a dam.

Issuance of a water quality certificate required under the United States Water Pollution Control Act, Section 401, shall be coordinated for the applicant under this subarticle by the Department of Environmental Protection. The issuance of a water quality certificate shall be mandatory in every case where the board approves an application under this subarticle. The coordination function of the department with respect to water quality certification shall not include any proceedings or substantive criteria in addition to those otherwise required by this subarticle.

2. Application. An application for a permit required by section 633 shall be made on forms provided by the board and shall be filed with the board. Public notice of the filing shall be made as required

by the board.

3. Application review. Within 10 working days of receiving a completed application, the Commissioner of Environmental Protection or the Director of the Maine Land Use Regulation Commission, as appropriate, shall notify the applicant of the official date on which the application was accepted.

The commissioner or the director, as appropriate, shall circulate the application among the Department of Environmental Protection, Department of Conservation, Department of Inland Fisheries and Wildlife, Department of Marine Resources, Department of Transportation, Maine Historic Preservation Commission, Office of Energy Resources, Public Utilities Commission and the municipal officials of the municipality in which the project is located. The Office of Energy Resources and the Public Utilities Commission shall submit written comments on section 636, subsection 7, paragraph E. For projects within the jurisdiction of the Maine Land Use Regulation Commission, the director may request and obtain technical assistance and recommendations from the staff of the department. The department shall respond to the requests in a timely manner. The department's recommendations shall be considered by the commission in acting upon a project application.

§635. Board decision

The board shall, within 30 days of receipt of a completed application, either:

1. Approval. Approve the proposed project upon such terms and conditions as are appropriate and reasonable to protect and preserve the environment and the public's health, safety and general welfare, including the public interest in replacing oil with hydroelectric energy. These terms and conditions may include, but are not limited to:

A. Establishment of a water level range for the body of water impounded by a hydropower project;

B. Establishment of instantaneous minimum flows for the body of water affected by a hydropower project; and

C. Provision for the construction and maintenance of fish passage facilities;

In those cases where the proposed project involves maintenance, reconstruction or structural alteration at an existing hydropower project and where the proposed project will not alter historic water levels or

flows after its completion, the board may impose temporary terms and conditions of approval relating to paragraph A or paragraph B but shall not impose permanent terms and conditions that alter historic water levels or flows;

2. Disapproval. Disapprove the proposed project, setting forth in writing the reasons for the disapproval; or

3. Hearing. Schedule a hearing on the proposed project. Any hearing held under this subsection shall follow the notice requirements and procedures for an adjudicatory hearing under Title 5, chapter 375, subchapter IV. Within 45 days after the board adjourns any hearing held under this subsection, it shall make findings of facts and issue an order approving or disapproving the proposed project, as provided in subsections 1 and 2.

§636. Approval criteria

The board shall approve a project when it finds that the applicant has demonstrated that the following criteria have been met.

1. Financial capability. The applicant has the financial capability and technical ability to undertake the project. In the event that the applicant is unable to demonstrate financial capability, the board may grant the permit contingent upon the applicant's demonstration of financial capability prior to commencement of the activities permitted.

2. Safety. The applicant has made adequate provisions for protection of public safety.

3. Public benefits. The project will result in significant economic benefits to the public, including, but not limited to, creation of employment opportunities for workers of the State.

4. Traffic movement. The applicant has made adequate provisions for traffic movement of all types out of or into the development area.

5. Maine Land Use Regulation Commission. Within the jurisdiction of the Maine Land Use Regulation Commission, the project is consistent with zoning adopted by the commission.

6. Environmental mitigation. The applicant has made reasonable provisions to realize the environmental benefits of the project, if any, and to mitigate its adverse environmental impacts.

7. Environmental and energy considerations. The advantages of the project are greater than the direct and cumulative adverse impacts over the life of the project based upon the following considerations:

A. Whether the project will result in significant benefit or harm to soil stability, water quality, coastal and inland wetlands or the natural environment of any surface waters and their shorelands;

B. Whether the project will result in significant benefit or harm to fish and wildlife resources. In making its determination, the board shall consider other existing uses of the watershed and fisheries management plans adopted by the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Atlantic Sea Run Salmon Commission;

C. Whether the project will result in significant benefit or harm to historic and archeological resources;

D. Whether the project will result in significant benefit or harm to the public rights of access to and use of the surface waters of the State for navigation, fishing, fowling, recreation and other lawful public uses;

E. Whether the project will result in significant flood control benefits or flood hazards; and

F. Whether the project will result in significant hydroelectric energy benefits, including the increase in generating capacity and annual energy output resulting from the project, and the amount of nonrenewable fuels it would replace.

The board shall make a written finding of fact with respect to the nature and magnitude of the impact of the project on each of the considerations under this subsection, and a written explanation of their use of these findings in reaching their decision.

Sec. 19. Commission on Local Land Use Violations. Swift effective enforcement against suspected violations of land use laws and ordinances is essential to the intended purpose of these statutes, but it is commonly asserted that the court system is not being used effectively, especially by small towns, to resolve these cases. There is created a Commission on Local Land Use Violations, known in this section as the "commission."

The commission shall be composed of 11 members as

follows: Two members appointed by the President of the Senate, one to be a member of the Joint Standing Committee on Energy and Natural Resources and one to be a Senator knowledgeable about land use issues; 2 members appointed by the Speaker of the House of Representatives, one to be a member of the Joint Standing Committee on Judiciary and one to be a Representative knowledgeable about land use issues; and 7 members appointed by the Governor, one to be a local elected official, one to be an appointed local official, one to be a representative of the court system, one to be a representative of the Maine Association of Planners, one to be a representative of the Maine Bar Association, one to represent real estate interests, and one to be a representative of the general public, knowledgeable about land use issues. The commission shall hold an organizational meeting within 30 days after the adjournment of the Legislature at the call of the Chairman of the Legislative Council. At this meeting, the commission shall elect a chairman and a vice-chairman from within the membership.

The commission shall review the use of the state's court system to resolve suspected violations of local ordinances under the mandatory shoreland zoning laws, Title 12, chapter 424; the subdivision laws Title 30, section 4956; the state plumbing laws, Title 22, section 42; and other land use laws enforced by municipalities. This review shall examine the extent to which such local ordinances are or are not being adequately enforced, especially by small towns, where court action appears to provide the only existing appropriate recourse. The commission shall determine the causes for any problems uncovered and document examples to support its findings. The commission shall evaluate alternatives to the existing court procedures, including the establishment of a statewide system of land use hearing examiners. The commission shall make recommendations to secure just, swift, inexpensive and effective resolution of suspected land use violation cases, especially by small towns, without creating unreasonable burdens for the state's courts system.

The commission shall report its findings, together with any suggested legislation, to the Second Regular Session of the 111th Legislature on or before January 13, 1984.

The State Planning Office and the Division of Health Engineering in the Department of Human Services shall provide staff support to the commission and administer its functions.

All executive departments are directed to give prompt assistance to the commission.

The commission may accept funds from any agency of the United States.

Effective September 23, 1983.

CHAPTER 459

H.P. 583 - L.D. 832

AN ACT to Recodify the Statutes
Relating to Corrections and Mental Health
and Mental Retardation.

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

Sec. 1. 15 MRSA c. 409, as amended, is repealed.

Sec. 2. 22 MRSA c. 404 is enacted to read:

CHAPTER 404

PRIVATE MENTAL HOSPITALS

§1781. License; visitation; penalty

The Department of Human Services may license any suitable person to establish and keep a private hospital or private house for the reception and treatment of patients who are mentally deranged. The hospital or private house shall be subject to visitation by the department or any member thereof.

Whoever establishes or keeps the private hospital or private house without a license, or after revocation or during suspension of the license, shall be fined not more than \$500.

§1782. Visitation

Each of the licensed hospitals or houses shall be visited at least once a year, and oftener if the Commissioner of Human Services so directs, by a member of the Department of Human Services, who shall carefully inspect every part of the hospital or house visited with reference to its cleanliness and sanitary conditions and who shall make a report to the department with such recommendations to improve conditions as the department deems necessary.