

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2013**

**CHAPTER 230  
S.P. 324 - L.D. 946**

**An Act To Allow  
Municipalities To Petition the  
Department of Marine  
Resources To Establish  
Dive-only Areas for Scallops in  
Mooring Fields**

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

**Sec. 1.** 12 MRSA §6728-C is enacted to read:

**§6728-C. Dive-only areas**

**1. Dragging in dive-only areas prohibited.** A person may not take scallops by dragging in a dive-only area, as established in subsection 2.

**2. Dive-only areas established.** At the written request of a municipality, the commissioner may establish in harbors where there are 5 or more moorings within that municipality dive-only areas where a person may fish for or take scallops by hand.

**3. Violation.** A person who violates subsection 1 commits a civil violation for which the following penalties apply:

**A.** For a first offense, a mandatory fine of \$500 is imposed and all scallops on board may be seized;

**B.** For a 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and

**C.** For a 3rd or subsequent offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized. This penalty is imposed in addition to the penalty imposed under section 6728-B.

**4. Rules.** The commissioner may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 231  
H.P. 320 - L.D. 470**

**An Act Regarding Working  
Waterfront Projects**

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

**Sec. 1.** 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 maritime activities district or other equivalent zoning district approved by the commissioner;

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

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

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

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

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

**A.** The standards in subsection 6, paragraphs A and C do not apply to properties that are located within areas designated as commercial fisheries and maritime activities districts or other equivalent zoning districts.