

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act Relating to Previously Approved Small Coastal Subdivisions**

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

**Sec. 1. 38 MRSA §480-Q, sub-§25**, as amended by PL 2005, c. 330, §15, is further amended to read:

**25. Existing agricultural fields and pastures.** Maintenance, but not enlargement, of agricultural fields and pastures in existence on September 1, 2002 that are adjacent to a river, stream or brook not regulated by a municipality under chapter 3, subchapter 1, article 2-B; ~~and~~

**Sec. 2. 38 MRSA §480-Q, sub-§26, ¶C**, as enacted by PL 2005, c. 330, §16, is amended to read:

C. The activity is approved by the department as provided in the department's rules concerning overboard discharges adopted pursuant to section 414-A; and

**Sec. 3. 38 MRSA §480-Q, sub-§27** is enacted to read:

**27. Certain subdivisions approved prior to June 8, 2006.** Construction of a single-family residence and customary accessory structures on a lot in an approved subdivision adjacent to a waterfowl, wading bird or shorebird feeding area as described in section 480-B, subsection 10 as long as:

A. The lot is located in a subdivision of fewer than 10 lots that was approved by the applicable state or municipal reviewing authority prior to June 8, 2006 and continues to be subject to the jurisdiction of that authority;

B. The structures on the lot are buffered from the waterfowl, wading bird or shorebird feeding area:

(1) By a setback of 100 feet from the normal high water line; or

(2) By the combination of a 75-foot setback from the normal high water line and a 20-foot rise in elevation above the normal high water line; and

C. Cutting or clearing of the upland vegetation on the lot within 250 feet of the normal high water line, other than that necessary for construction of the single-family residence and accessory structures permitted under this subsection, is subject to the jurisdiction of a municipality pursuant to chapter 3, subchapter 1, article 2-B or is conducted in accordance with subsection 23, paragraph B.

## **SUMMARY**

This bill allows, without a natural resources protection permit, subject to setback requirements greater than those otherwise required by laws governing shoreland zoning, construction of a single-family dwelling and accessory structures on a lot in a subdivision adjacent to a waterfowl, wading bird or shorebird feeding area as long as the subdivision has fewer than 10 lots and was approved prior to June 8, 2006.