



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 434

S.P. 138

In Senate, February 10, 2011

### **An Act To Exempt Wetlands Created by Obstructions or Barriers from the Shoreland Zoning Laws**

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.

Secretary of the Senate

Presented by Senator COLLINS of York.

Cosponsored by Representative CHASE of Wells and

Senators: HASTINGS of Oxford, SNOWE-MELLO of Androscoggin, THOMAS of Somerset,

Representatives: BENNETT of Kennebunk, CEBRA of Naples.

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

2 **Sec. 1. 38 MRSA §436-A, sub-§5**, as amended by PL 1991, c. 346, §2, is further  
3 amended to read:

4 **5. Freshwater wetlands.** "Freshwater wetlands" means freshwater swamps,  
5 marshes, bogs and similar areas, other than forested wetlands and nonoriginal wetlands,  
6 ~~which~~ that are:

7 A. Of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent  
8 to a surface water body, excluding any river, stream or brook, such that, in a natural  
9 state, the combined surface area is in excess of 10 acres; and

10 B. Inundated or saturated by surface or ground water at a frequency and for a  
11 duration sufficient to support, and ~~which~~ that under normal circumstances do support,  
12 a prevalence of wetland vegetation typically adapted for life in saturated soils.

13 Freshwater wetlands may contain small stream channels or inclusions of land that do not  
14 conform to the criteria of this subsection.

15 **Sec. 2. 38 MRSA §436-A, sub-§8-A** is enacted to read:

16 **8-A. Nonoriginal wetlands.** "Nonoriginal wetlands" means wetlands that are  
17 created as a result of artificial or natural obstructions or barriers.

18 **SUMMARY**

19 This bill exempts freshwater wetlands that are created as a result of artificial or  
20 natural obstructions or barriers from regulation under the shoreland zoning laws.