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

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

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

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

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

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

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

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

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

SUMMARY

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