

PL 1999

CHAPTER 701

H.P. 1680 - L.D. 2346

**An Act to Extend the Time Period for Municipalities to Make Recommendations
Concerning Great Pond Surface Use Restrictions**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law allows municipalities to submit recommendations by October 30, 1999 to the Commissioner of Inland Fisheries and Wildlife for regulating the use, operations and type of watercraft on great ponds within the jurisdiction of those municipalities; and

Whereas, if a great pond borders on more than one municipality or lands within the jurisdiction of the Maine Land Use Regulation Commission, the approval of the commission or the legislative bodies of all municipalities in which those waters are located is required; and

Whereas, more time is needed by the municipalities in order to competently submit their recommendations; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. PL 1997, c. 739, §17, as amended by PL 1999, c. 313, §1, is further amended to read:

Sec. 17. Recommendations for regulating the use, operation and type of watercraft for great ponds within the organized areas of the State. A municipality, with the approval of its legislative body, may submit recommendations to the Commissioner of Inland Fisheries and Wildlife for regulating the use, operation and type of watercraft on great ponds within the jurisdiction of that municipality. For great ponds that border more than one municipality, recommendations may be submitted only after approval by the legislative bodies of all municipalities in which those waters are located. For great ponds that border lands within the jurisdiction of the Maine Land Use Regulation Commission, the approval of the commission is also required. If a municipality chooses to prepare recommendations for such waters, it shall take into consideration the use to which those waters are put, the depth of the water, the amount of water-borne traffic on the waters, wildlife and environmental values, noise, traditional uses of the water body and the safety of persons and property. Recommendations must be accompanied by a written explanation of the rationale for each recommendation and an explanation of what issues were considered in the development of each recommendation. These recommendations may be submitted only after a public hearing and must include a description of the resources the municipality or municipalities will use to enforce or assist in the enforcement of those regulations if enacted. For any municipality whose legislative body is the town meeting, recommendations may only be considered and approved during the annual town meeting held pursuant to the Maine Revised Statutes, Title 30-A, section 2525.

The commissioner shall submit a report to the First Regular Session of the 119th Legislature by January 15, 1999 on the recommendations received from municipalities prior to November 1, 1998 ~~and~~; shall submit a report to the ~~Second First~~ Regular Session of the ~~119th~~ 120th Legislature on the **recommendations received from municipalities** between November 1, 1998 and ~~October 30, 1999~~ December 1, 2000; and shall submit a report to the Second Regular Session of the 120th Legislature on the recommendations received from municipalities between December 1, 2000 and **December 1, 2001**. Recommendations may be initially submitted to the department only during the month of July, although materials supplementing any municipality's recommendations may be submitted until December 1st. For the purposes of this section, a letter to the commissioner indicating an intent to submit recommendations, including a timeline for submitting those materials, satisfies the requirements of an initial submission. Each report must be accompanied by legislation implementing the municipal recommendations supported by the Department of Inland Fisheries and Wildlife. That legislation may also include recommendations of the department, developed using the criteria in this section, for waters not addressed in the municipal proposals.

Sec. 2. Retroactivity. This Act applies retroactively to October 30, 1999.

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

Effective April 14, 2000.

Note: The above legislation amended Sec 17 of PL 1997 Ch 739, An Act to Implement the Recommendations of the Great Pond Task. Sec 17 is the provision that relates to the process referred to by DIFW that allowed towns or towns to submit recommendations for regulating the use, operation and type of watercraft for great ponds within the organized areas of the State.