



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 596

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H.P. 415

House of Representatives, February 21, 2013

**An Act To Help Small Businesses and Promote Tourism by  
Allowing the Construction of a Platform, Walkway or Deck over a  
River or Marshland**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PARRY of Arundel.  
Cosponsored by Senator DUTREMBLE of York and  
Representatives: BEAUDOIN of Biddeford, BENNETT of Kennebunk, CASAVANT of  
Biddeford, CHENETTE of Saco, ROCHELO of Biddeford, VEROW of Brewer, Senators:  
COLLINS of York, SAVIELLO of Franklin.

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

2 **Sec. 1. 38 MRSA §480-BB, sub-§2, ¶B,** as enacted by PL 2011, c. 362, §1, is  
3 amended to read:

4 B. If a vernal pool depression is bisected by a property boundary and a landowner  
5 proposing to cause an impact does not have permission to enter the abutting property,  
6 only that portion of the vernal pool depression located on property owned or  
7 controlled by that landowner may be considered in determining whether the vernal  
8 pool is significant. A written department determination that a vernal pool is not  
9 significant pursuant to this paragraph remains valid regardless of timeframe.

10 **Sec. 2. 38 MRSA §480-BB, sub-§2, ¶C** is enacted to read:

11 C. A proposal by a unit of local government to provide a wooden viewing platform,  
12 not to exceed 300 square feet in area, or a wooden pedestrian boardwalk, not to  
13 exceed 6 feet in width, over a river or marshland, or a proposal by a unit of local  
14 government for an elevated wooden or metal deck, not to exceed 750 square feet in  
15 area, cantilevered over a river or marshland for which no more than 4 new pilings, or  
16 the fewest number required for safety, would be installed in the river or marshland  
17 below the deck, proposed as part of a downtown revitalization project, even if the  
18 deck would be privately owned or operated, is not subject to regulation under this  
19 section if approval is first obtained by an affirmative vote of a municipal referendum.  
20 Before a referendum may be held, the municipal officers shall hold a public hearing  
21 noticed in the same manner as that required for calling a special meeting of the  
22 municipality's legislative body and the municipal officers must find that the project in  
23 question would not negatively affect any significant wildlife habitat;

24 **SUMMARY**

25 This bill provides that construction of a platform or walkway or deck over a river or  
26 marshland may be exempt from the Department of Environmental Protection's rules  
27 relative to significant wildlife habitat under certain conditions, including if the affected  
28 municipal government finds that the platform, walkway or deck would not negatively  
29 affect any significant wildlife habitat and the project is approved by local referendum.