

OPPOSE

LD 434 – An Act to Exempt Wetlands Created by Obstructions or Barriers from the Shoreland Zoning Laws

Sponsor: Senator COLLINS of York

Co-Sponsors: Representatives BENNETT of Kennebunk, CEBRA of Naples, CHASE of Wells, and Senator HASTINGS of Oxford, SNOWE-MELLO of Androscoggin, and THOMAS of Somerset

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

Explanation: This bill appears to exempt essentially all wetlands from protection under shoreland zoning laws, since all wetlands are created “as a result of artificial or natural obstructions or barriers.” By definition, wetlands occur when water does not flow out of an area because it is blocked by a natural barrier (e.g. elevated terrain, debris) or a human-made barrier (e.g. a dam, road, or bulldozed ground). Most Maine lakes have outlet dams that increase lake levels, and these dams also create wetlands around the lakes. Even lakes that are not the result of a dam generally have associated wetlands. It may be that the bill’s sponsor has a purpose in mind other than what a plain reading of the language suggests, but as printed, this bill provides a broad exemption from shoreland zoning protection for wetlands throughout Maine.

The benefits of wetlands to water quality and wildlife are clear. That’s why municipalities must protect them under shoreland zoning according to the state’s model ordinance. Wetlands filter out polluted runoff; thereby helping to protect the water quality in lakes. Wetlands also provide habitat for countless species of birds, mammals, and amphibians. If development is allowed to encroach too closely to Maine’s wetlands, then water quality, the plant and animals that depend on wetland ecosystems to survive, will suffer.

This bill also appears to violate Maine’s tradition of home rule. Municipalities administer shoreland zoning in Maine, and LD 434 would bar towns from protecting essentially all wetlands in their jurisdiction.

NRCM opposes LD 434.