

Friends of Penobscot Bay
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SCENIC ASSETS PROTECTION PLAN

ISSUE:

Many irreplaceable scenic vistas around Penobscot Bay, that are a key part of the attractiveness of the bay area to tourism have been degraded by development. Others are at risk as commercial, industrial and residential developers continue to press their plans.

Maine agencies have the duty under several state laws to protect, manage and maintain Penobscot Bay's scenic assets. Yet in the majority of development cases affecting regional scenic quality, they don't qualify for protection. Instead protection is limited to a small state list of scenic views and vistas which have been officially recognized via rulemaking by the now defunct Maine State Planning Office. The Maine Coastal program has not carried out rulemaking actions designating entries onto this list

SUGGESTED ACTIONS

RULEMAKING. Use the citizens petition-initiated rulemaking process to expand the official Dept of Conservation list of scenic views and vistas that are protected as being “of state or national significance” in and around Penobscot Bay. Requires 150 signatures

Use Coastal Program's “**Scenic Inventory: mainland sites of Penobscot Bay. 1990**” to identify unassailable list of Penobscot Bay viewsheds to be protected
http://penbay.net/scenic/scenicinventory_penbaymainland_aug90.pdf
or excerpt:

Upper Penobscot Bay Scenic Inventory: Belfast to Bucksport 27 pages
http://penbay.net/scenic/scenicinventory_penbay_belfast_bucksport.pdf

LEGISLATION Amend the Department of Conservation scenic viewpoint standards, **35-A §3457. Rulemaking; scenic viewpoint; scenic inventory**, so they apply to all energy developments, not only windpower. Presently wind energy projects have to meet a higher scenic standard than petroleum energy. Petrol's standards should be raised.

5 §8055. Petition for adoption or modification of rules

<http://www.mainelegislature.org/legis/statutes/5/title5sec8055.html>

- 1. Petition.** Any person may petition an agency for the adoption or modification of any rule.
- 2. Form designated.** Each agency shall designate the form for such petitions and the procedure for their submission, consideration and disposition.
- 3. Receipt of petition.** Within 60 days after receipt of a petition, the agency shall either notify the petitioner in writing of its denial, stating the reasons therefor, or initiate appropriate rule-making proceedings. Whenever a petition to adopt or modify a rule is submitted by **150 or more registered voters of the State**, the agency shall initiate appropriate rulemaking proceedings within 60 days after receipt of the petition.