

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-FOUR

—  
S.P. 862 - L.D. 2034

**An Act to Address Identified Gaps in the Laws Governing Erosion Control  
and the Natural Resources Protection Act**

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

**Sec. 1. 38 MRSA §420-C, 2nd ¶**, as enacted by PL 1997, c. 748, §1, is amended to read:

A person who owns property in an organized area of this State that is subject to erosion because of a human activity before July 1, 1997 involving filling, displacing or exposing soil or other earthen materials shall take measures in accordance with the dates established under this paragraph to prevent unreasonable erosion of soil or sediment into a protected natural resource as defined in section 480-B, subsection 8. Adequate and timely temporary and permanent stabilization measures must be taken and maintained on that site to prevent unreasonable erosion and sedimentation. This paragraph applies on and after July 1, 2005 to property that is located in the watershed of a body of water most at risk as identified in the department's storm water rules adopted pursuant to section 420-D and that is subject to erosion of soil or sediment into a protected natural resource as defined in section 480-B, subsection 8. This paragraph applies on and after July 1, 2010 to other property that is subject to erosion of soil or sediment into a protected natural resource as defined in section 480-B, subsection 8.

**Sec. 2. 38 MRSA §420-C, 3rd ¶**, as enacted by PL 1995, c. 704, Pt. B, §2 and affected by Pt. C, §2 and amended by PL 2011, c. 682, §38, is further amended to read:

This section applies to a project or any portion of a project located within ~~an organized area of this~~ the State. This section does not apply to agricultural fields. Forest management activities, including associated road construction or maintenance, conducted in accordance with applicable standards of the ~~Maine Land Use Planning Commission~~ Department of Agriculture, Conservation and Forestry, Bureau of Forestry, are deemed to comply with this section. This section may not be construed to limit a municipality's authority under home rule to adopt ordinances containing stricter standards than those contained in this section.

**Sec. 3. 38 MRSA §480-R, sub-§2**, as amended by PL 2003, c. 414, Pt. B, §71 and affected by c. 614, §9, is further amended to read:

**2. Enforcement.** In addition to department staff, inland fisheries and wildlife game wardens, Department of Marine Resources marine patrol officers ~~and~~, all other law enforcement officers enumerated in Title 12, section 10401 and, pursuant to their delegated authority, the Maine Land Use Planning Commission and the Department of Agriculture, Conservation and Forestry, Bureau of Forestry shall enforce the terms of this article.