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Date: (Filing No. H-)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 174, L.D. 276, “An Act to Assist Municipalities in Preventing Damage from Storm Water”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 23 MRSa §3106, as amended by PL 2009, c. 501, §3, is further amended to read:

§3106. Municipal assistance for purposes of protecting or restoring a great pond natural resources

1. ~~Repairs to a private road~~ Protection or restoration of great ponds through repairs to private roads, ways or bridges. For the purpose of protecting or restoring a great pond, as defined in Title 38, section 480-B, subsection 5, a municipality may appropriate funds to repair a private road, way or bridge to prevent storm water runoff pollution from reaching a great pond if:

- A. The private road, way or bridge is within the watershed of the great pond;
- B. The great pond:
 - (1) Is listed on the Department of Environmental Protection's list of bodies of water most at risk pursuant to Title 38, section 420-D, subsection 3;
 - (2) Has been listed as impaired in an integrated water quality monitoring and assessment report submitted by the Department of Environmental Protection to the United States Environmental Protection Agency pursuant to the federal Clean Water Act, 33 United States Code, Section 1315(b) at least once since 2002; or
 - (3) Is identified as having threats to water quality in a completed watershed survey that uses a protocol accepted by the Department of Environmental Protection;
- C. The Department of Environmental Protection or the municipality determines that the private road, way or bridge is contributing to the degradation of the water quality

COMMITTEE AMENDMENT

1 of the great pond based upon an evaluation of the road, way or bridge using a protocol
2 accepted by the department;

3 D. The repair complies with best management practices required by the Department
4 of Environmental Protection; and

5 E. The private road, way or bridge is maintained by a road association organized under
6 this subchapter or Title 13-B.

7 **1-A. Protection or restoration of protected natural resources through repairs to**
8 **certain private roads, ways, bridges or storm water management systems.** For the
9 purpose of protecting or restoring a protected natural resource, a municipality or a regional
10 community and economic development organization may appropriate funds to repair a
11 private road, way, bridge or storm water management system to prevent storm water runoff
12 pollution from reaching a protected natural resource if:

13 A. The private road, way, bridge or storm water management system is within the
14 watershed of the protected natural resource or is located within or immediately adjacent
15 to the protected natural resource;

16 B. With respect to a protected natural resource that is a great pond only, the great pond
17 satisfies the criteria listed in subsection 1, paragraph B;

18 C. The Department of Environmental Protection, the municipality or the regional
19 community and economic development organization determines that the private road,
20 way, bridge or storm water management system is contributing to the degradation of
21 water quality within or immediately adjacent to the protected natural resource based
22 upon an evaluation of the road, way, bridge or storm water management system using
23 a protocol accepted by the department;

24 D. The repair complies with best management practices required by the Department
25 of Environmental Protection; and

26 E. The private road, way, bridge or storm water management system is located wholly
27 or partially within or immediately adjacent to a military installation closed pursuant to
28 the federal Defense Base Realignment and Closure Act of 1990.

29 **1-B. Definitions.** As used in this section, unless the context otherwise indicates, the
30 following terms have the following meanings.

31 A. “Protected natural resource” has the same meaning as in Title 38, section 480-B,
32 subsection 8.

33 B. “Regional community and economic development organization” means a quasi-
34 governmental entity established in statute for the purpose of addressing the
35 development needs, problems and opportunities of municipalities and regions.
36 “Regional community and economic development organization” includes, but is not
37 limited to, the Midcoast Regional Redevelopment Authority established in Title 5,
38 section 13083-G.

39 **2. Rules.** The Department of Environmental Protection may adopt rules to carry out
40 the purposes of this section. Rules adopted pursuant to this subsection are routine technical
41 rules pursuant to Title 5, chapter 375, subchapter 2-A.'

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively.

3 **SUMMARY**

4 This amendment replaces the bill and authorizes a municipality or a regional
5 community and economic development organization to appropriate funds to repair a private
6 road, way, bridge or storm water management system for the purpose of protecting or
7 restoring a protected natural resource by preventing storm water runoff pollution from
8 reaching the protected natural resource subject to certain specific requirements, including
9 a requirement that the private road, way, bridge or storm water management system is
10 located wholly or partially within or immediately adjacent to a military installation closed
11 pursuant to the federal Defense Base Realignment and Closure Act of 1990.

12 **FISCAL NOTE REQUIRED**

13 **(See attached)**