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Date: (Filing No. H-)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1205, L.D. 1616, “An Act To Ensure That Municipalities and Multimunicipal Regions of Every Size and Capacity Have Guidance on Climate Adaptation and Resilience Strategies for Policy, Implementation and Investment Decision Support”

Amend the bill by striking out the title and substituting the following:

'An Act To Enhance the Ability of Municipalities To Address Climate Change by Protecting and Restoring Threatened Natural Resources'

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

'Sec. 1. 23 MRSA §3106, as enacted by PL 2009, c. 225, §1 and amended by c. 501, §3, is further amended to read:

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

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

A. The private road, way or bridge is located within the watershed of the ~~great pond~~ threatened natural resource or is located within or immediately adjacent to the threatened natural resource;

B. ~~The~~ With respect to a threatened natural resource that is a great pond only, 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;

COMMITTEE AMENDMENT

1 (2) Has been listed as impaired in an integrated water quality monitoring and
2 assessment report submitted by the Department of Environmental Protection to the
3 United States Environmental Protection Agency pursuant to the federal Clean
4 Water Act, 33 United States Code, Section 1315(b) at least once since 2002; or

5 (3) Is identified as having threats to water quality in a completed watershed survey
6 that uses a protocol accepted by the Department of Environmental Protection;

7 C. The Department of Environmental Protection or the municipality determines that
8 the private road, way or bridge is contributing to the degradation of the water quality
9 of the great pond within or immediately adjacent to the threatened natural resource
10 based upon an evaluation of the road, way or bridge using a protocol accepted by the
11 department;

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

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

16 **1-A. Definitions.** As used in this section, unless the context otherwise indicates, the
17 following terms have the following meanings.

18 A. "Coastal bluff" means a steep shoreline slope formed in sediment such as clay, sand
19 or gravel that has 3 feet or more of vertical elevation above the high tide line. "Coastal
20 bluff" does not include a cliff or slope in a bedrock surface or the eroded seaward edge
21 of a coastal beach or coastal sand dune.

22 B. "Great pond" has the same meaning as in Title 38, section 480-B, subsection 5.

23 C. "Protected natural resource" has the same meaning as in Title 38, section 480-B,
24 subsection 8.

25 D. "Threatened natural resource" means a protected natural resource or a coastal bluff.

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

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

31 SUMMARY

32 This amendment, which is the majority report of the committee, replaces the bill, which
33 is a concept draft. For the purpose of protecting or restoring a great pond, current state law
34 authorizes municipalities, subject to certain conditions, to appropriate funds to repair a
35 private road, way or bridge to prevent storm water runoff pollution from reaching the great
36 pond. The amendment expands that law to authorize municipalities, subject to similar
37 conditions, to appropriate funds to repair a private road, way or bridge to prevent storm
38 water runoff pollution from reaching a threatened natural resource.

39 Under the amendment, the term "threatened natural resource" is defined to mean a
40 coastal bluff or a protected natural resource. Under the Natural Resources Protection Act,
41 the term "protected natural resource" is defined to include coastal sand dune systems,

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1 coastal wetlands, significant wildlife habitat, fragile mountain areas, freshwater wetlands,
2 community public water system primary protection areas, great ponds or rivers, streams or
3 brooks.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**