

STATE OF MAINE

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

—  
S.P. 653 - L.D. 1835

**An Act To Amend the Laws Governing Storm Water Management To  
Provide an Exemption for Mountain Bike Trails**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** multiple projects involving the construction or management of mountain bike trails of statewide significance to Maine's recreational economy may be adversely affected by delay if those trails are subject to storm water management requirements; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 38 MRSA §420-D, sub-§7, ¶J** is enacted to read:

J. A trail does not require review pursuant to this section if:

- (1) The trail is intended, constructed and managed for use by persons riding mountain bikes;
- (2) The trail is generally constructed and maintained in accordance with best management practices for motorized trails established by the Department of Agriculture, Conservation and Forestry, including requirements to provide sediment and erosion control;
- (3) The trail creates a treadway surface of not more than 6 feet in width; and
- (4) The trail corridor does not exceed 8 feet in width.

For the purposes of this paragraph, "mountain bike" means a bicycle designed for off-road cycling and "treadway surface" means the part of a trail upon which a person travels.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.