

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Protect Maine Lakes

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

Sec. 1. 38 MRSA §410-L, first ¶, as enacted by PL 1997, c. 643, Pt. YY, §1, is amended to read:

The Lakes Assessment and Protection Program is established within the department to monitor and protect the health and integrity of the State's lakes through activities identified in section 410-M.

Sec. 2. 38 MRSA §410-M, as amended by PL 2011, c. 655, Pt. EE, §22 and affected by §30, is repealed and the following enacted in its place:

§ 410-M. Lakes assessment and protection

In implementing the Lakes Assessment and Protection Program, the commissioner shall ensure that the department:

1. Education and technical assistance. Provides education and technical assistance relating to lake functions and values, watershed planning and management, implementation of best management practices, effects of cumulative impacts and applicable laws and rules;

2. Monitoring lakes and conducting research. Monitors lakes and conducts research relating to the ecology and health of lakes, the vulnerability of and risks to lakes, the relationship between lake water quality and development, the design and effectiveness of best management practices and the effectiveness of efforts to protect lakes. The department shall integrate the use of water quality monitors, academic institutions and other lake monitoring resources in monitoring pursuant to this subsection. The department shall make data collected pursuant to this subsection and the department's analysis of the data regularly available on its publicly accessible website and through other outreach resources. The department shall include the data and analysis in the report submitted to the Legislature pursuant to section 464, subsection 3, paragraph A;

3. Compliance monitoring and enforcement. Promotes and monitors compliance with and enforcement of the natural resources protection laws, the mandatory shoreland zoning laws, the storm water management laws, the erosion and sedimentation control laws and other state and local laws providing standards for the protection of lakes;

4. Water quality and habitat protection, restoration and maintenance. Directs and assists with activities that protect, restore and maintain lake water quality and the quality of habitat in lakes and on land surrounding lakes that affect the health and integrity of lakes. The department shall develop partnerships pursuant to subsection 5 to assist with these activities; and

5. Partnerships. Develops partnerships with lake associations, municipalities, businesses, academic institutions, water quality monitors and other interested individuals to increase public understanding about risks posed to the health and integrity of lakes and actions that can be taken to reduce those risks and sustain lake water quality, including informing lakeshore property owners of the value of using best management practices for the application of turf pesticides and fertilizers and for reducing nutrient runoff. To the extent possible, the department shall provide technical and financial assistance to partners pursuant to this subsection. A partnership developed pursuant to this subsection may assist the department in water quality and habitat protection, restoration and maintenance activities pursuant to subsection 4.

Sec. 3. 38 MRSA §418-B is enacted to read:

§ 418-B. Prohibition on application of fertilizers near great ponds

1. Prohibition. Notwithstanding any other provision of law, a person may not apply a fertilizer within 25 feet of the normal high-water line of a great pond. As used in this section, "fertilizer" has the same meaning as in section 419, subsection 1, paragraph A-3.

2. Exception. Subsection 1 does not apply to a fertilizer application for the purpose of agriculture. Nothing in this subsection relieves a person applying a fertilizer for the purpose of agriculture from the obligation to comply with all applicable requirements for a nutrient management plan in accordance with Title 7, chapter 747. As used in this section, "agriculture" has the same meaning as in section 436-A, subsection 1-B.

Sec. 4. 38 MRSA §464, sub-§3, ¶A, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §55, is further amended to read:

A. The commissioner shall submit to the first regular session of each Legislature a report on the quality of the State's waters ~~which~~that describes existing water quality, identifies waters that are not attaining their classification and states what measures are necessary for the attainment of the standards of their classification. The report must include the data and analysis collected and evaluated pursuant to section 410-M, subsection 2.

SUMMARY

This bill amends the laws governing the Lakes Assessment and Protection Program. It also creates a prohibition on the application of fertilizers within 25 feet of the normal high-water line of a great pond, with exceptions for persons involved in agriculture.