

Committee: ENR
Drafter: DCT
File name:
LR (item)#: 1617(02)
New Title?: YES
Add Emergency?: NO
Date: 2/22/22

LD 1616
Proposed amendment – Representative Blume

Amend the bill by striking the title and inserting the following in its place:

“An Act To Enhance the Ability of Municipalities to Address Climate Change Impacts by Protecting and Restoring Threatened Natural Resources”

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

Sec. 1. 23 MRSA §3106 is 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~~ If the threatened natural resource is a great pond, as defined in Title 38, section 480-B, subsection 5, 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 of the ~~great pond~~ great pond within or immediately adjacent to the threatened natural resource based upon an evaluation of the road, way or bridge using a protocol accepted by the department;

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

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

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

A. “Coastal bluff” means a steep shoreline slope formed in sediment such as clay, sand, and gravel that has three feet or more of vertical elevation just above the high tide line. “Coastal bluff” does not include a cliff or slope in a bedrock surface or the eroded seaward edge of a coastal beach or coastal sand dune.

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

C. “Threatened natural resource” means a protected natural resource or a coastal bluff.

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

SUMMARY

For the purpose of protecting or restoring a great pond, current State law authorizes municipalities, subject to certain specified conditions, to appropriate funds to repair a private road, way or bridge to prevent storm water runoff pollution from reaching the great pond. This amendment replaces the bill, which is a concept draft, and expands that law to authorize municipalities, subject to similar conditions, to appropriate such funds to repair a private road, way or bridge to prevent storm water runoff pollution from reaching a threatened natural resource.

Under the amendment, the term “threatened natural resource” is defined to mean a coastal bluff or a protected natural resource. Under the Natural Resources Protection Act, the term “protected natural resource” is defined to include coastal sand dune systems, coastal wetlands, significant wildlife habitat, fragile mountain areas, freshwater wetlands, community public water system primary protection areas, great ponds or rivers, streams or brooks.