

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1340

S.P. 555

In Senate, April 1, 2025

An Act to Establish the Municipal Stream Crossing Fund

Received by the Secretary of the Senate on March 28, 2025. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by President DAUGHTRY of Cumberland.
Cosponsored by Representative CRAFTS of Newcastle and
Senators: FARRIN of Somerset, NANGLE of Cumberland, TEPLER of Sagadahoc.

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

2 Sec. 1. 23 MRSA §4210-H is enacted to read:

3 **§4210-H. Municipal Stream Crossing Fund; grant program**

4 **1. Fund established.** The Municipal Stream Crossing Fund, referred to in this section
5 as "the fund," is established within and is administered by the department to issue grants in
6 accordance with this section. The fund consists of proceeds from the sale of bonds
7 authorized for the purposes of the grant program established pursuant to subsection 2 and
8 funds received as appropriations, allocations and contributions from public and private
9 sources. The fund must be held separate and apart from all other money, funds and
10 accounts. Interest earned by the fund must be credited to the fund. Any unexpended
11 balances remaining in the fund at the end of any fiscal year do not lapse and must be carried
12 forward to the next fiscal year.

13 **2. Grants.** The department shall establish a competitive grant program to provide
14 grants to eligible project sponsors for culvert upgrades or replacements on municipal roads.
15 Eligible project sponsors include local governments, municipal conservation commissions,
16 soil and water conservation districts and private nonprofit organizations.

17 **3. Fund proceeds; uses.** The department may award grants based on the extent to
18 which the proposed project allows communities to more effectively prepare for storm and
19 flood events and advances the goals of restoring habitat for fish, including sea-run fish and
20 native brook trout, and wildlife. In awarding grants, the department shall consider:

21 A. The priority status of the culvert to be upgraded or replaced for native brook trout
22 and sea-run fish restoration, based on available stream survey data, statewide
23 prioritization for aquatic connectivity and presence in priority watersheds of salmon,
24 river herring and other diadromous fish;

25 B. The extent to which the proposed project meets the Department of Environmental
26 Protection's design standards for a stream's bankfull width, with a natural stream
27 bottom or embedded structure, and meets or exceeds the department's 50-year
28 floodplain standard;

29 C. The degree of urgency of the proposed project, including whether a culvert is at
30 high risk of failure due to age or location within a watershed or reach with high flood
31 risk or severe flood history;

32 D. The expected contribution to reducing the frequency or severity of flooding to
33 upstream and downstream communities and improving storm water management
34 within the proposed project area; and

35 E. The extent to which the proposed project represents an efficient and cost-effective
36 investment, including the proportion of total project funding provided from other
37 sources and the potential avoided costs associated with the proposed project.

38 **4. Grant proceeds; prohibited uses.** Grants awarded under subsection 3 may not be
39 used:

40 A. To cover all of the costs associated with a proposed project; or

41 B. For a culvert upgrade or replacement on a state road or private road.

5. Rules. The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill establishes the Municipal Stream Crossing Fund within the Department of Transportation to provide grants for culvert upgrades or replacements on municipal roads to eligible project sponsors, including local governments, municipal conservation commissions, soil and water conservation districts and private nonprofit organizations. The fund may accept funds from bonds, appropriations, allocations and contributions from other public and private sources. The department may award grants based on the extent to which the proposed project allows communities to more effectively prepare for storm and flood events and advances the goals of restoring habitat for fish, including sea-run fish and native brook trout, and wildlife. The bill also includes criteria to be used in evaluating the award of grants for proposed projects.