

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46

STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 98, L.D. 139, Bill, "An Act to Exempt the Repair and Maintenance of Road Culverts from Approval by the Department of Environmental Protection"

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

'An Act to Exempt the Replacement, Repair and Maintenance of Road Culverts from State Permit Requirements'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 12 MRSA §685-B, sub-§1, ¶A, as enacted by PL 1971, c. 457, §5, is amended to read:

A. No Except as provided in this paragraph, a structure or part thereof shall may not be erected, changed, converted, or wholly or partly altered or enlarged in its use or structural form other than normal maintenance or repair, without a permit issued by the commission. A permit is not required for the repair and maintenance of an existing road culvert or for the replacement of an existing road culvert, as long as the replacement culvert is:

(1) Not more than one standard culvert size wider in diameter than the culvert being replaced;

(2) Not more than 25% longer than the culvert being replaced; and

(3) Not longer than 60 feet for private crossings or not longer than 75 feet for public crossings.

C
O
M
M
I
T
T
E
E
A
M
E
N
D
M
E
N
T

2 Ancillary culverting activities, including excavation and
3 filling, are included in this exemption. A person
4 repairing, replacing or maintaining an existing culvert
5 under this paragraph shall ensure that erosion control
6 measures are taken to prevent sedimentation of the water and
7 that the crossing does not block fish passage in the water
8 course.

10 **Sec. 2. 38 MRS §438-A, sub-§1, ¶A is enacted to read:**

12 A. Minimum guidelines adopted by the board under this
13 subsection may not require the issuance of a municipal
14 permit for the repair and maintenance of an existing road
15 culvert or for the replacement of an existing road culvert,
16 as long as the replacement culvert is:

- 18 (1) Not more than one standard culvert size wider in
19 diameter than the culvert being replaced;
- 20 (2) Not more than 25% longer than the culvert being
21 replaced; and
- 22 (3) Not longer than 60 feet for private crossings or
23 not longer than 75 feet for public crossings.

26 Ancillary culverting activities, including excavation and
27 filling, are included in this exemption. A person
28 repairing, replacing or maintaining an existing culvert
29 under this paragraph shall ensure that erosion control
30 measures are taken to prevent sedimentation of the water and
31 that the crossing does not block fish passage in the water
32 course.

34 **Sec. 3. 38 MRS §480-Q, sub-§2-A is enacted to read:**

36 2-A. Existing road culverts. In any protected natural
37 resource area, a permit is not required for the repair and
38 maintenance of an existing road culvert or for the replacement of
39 an existing culvert, as long as the replacement culvert is:

- 41 A. Not more than one standard culvert size wider in
42 diameter than the culvert being replaced;
- 43 B. Not more than 25% longer than the culvert being
44 replaced; and
- 45 C. Not longer than 60 feet for private crossings or not
46 longer than 75 feet for public crossings.

50 Ancillary culverting activities, including excavation and
51 filling, are included in this exemption. A person repairing,
52 replacing or maintaining an existing culvert under this

2 subsection shall ensure that erosion control measures are taken
3 to prevent sedimentation of the water and that the crossing does
4 not block fish passage in the water course.

6 **FISCAL NOTE**

8 This bill will result in an annual reduction in dedicated
9 revenue to the Maine Environmental Protection Fund in an
10 estimated amount of between \$750 to \$1050 depending upon the
11 number of projects impacted.'

14 **STATEMENT OF FACT**

16 This amendment replaces the original bill. The amendment
17 changes the title of bill and clarifies the intent of the
18 original bill to exempt the repair, maintenance and replacement
19 of existing road culverts from permitting by the Maine Land Use
20 Regulation Commission and the Department of Environmental
21 Protection under the natural resource protection laws and the
22 shoreland zoning laws. Culvert construction standards not
23 related to permitting are not affected by this amendment.

24
Reported by the Committee on Energy & Natural Resources
Reproduced and distributed under the direction of the Clerk of the
House

3/15/91

(Filing No. H-43)