

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 139

H.P. 98

House of Representatives, January 16, 1991

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative ANDERSON of Woodland.

Cosponsored by Speaker MARTIN of Eagle Lake, Senator COLLINS of Aroostook and Representative BAILEY of Farmington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Exempt the Repair and Maintenance of Road Culverts from
Approval by the Department of Environmental Protection.**



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

2
3 Sec. 1. 38 MRSA §438-A, sub-§5, as affected by PL 1989, c.
4 890, Pt. A, §40 and amended by Pt. B, §46, is further amended to
5 read:

6
7 5. Exemptions. Any areas within a municipality that are
8 subject to nonmunicipal zoning and land use controls may be
9 exempted from ~~the operation of~~ this section upon a finding by the
10 commissioner that the purposes of this chapter have been
11 accomplished by nonmunicipal measures. The replacement,
12 maintenance or minor repair of any road culvert is exempt from
13 this section.

14
15 Sec. 2. 38 MRSA §480-Q, sub-§2, as amended by PL 1989, c. 430,
16 §6, is further amended to read:

17 2. Maintenance and repair. Maintenance and minor repair of
18 structures in fragile mountain areas, or to structures above the
19 high water line causing no additional intrusion of an existing
20 structure into the great pond, river, stream or brook, wetland or
21 sand dune; and maintenance and repair of private crossings of a
22 river, stream or brook; and replacement, maintenance or minor
23 repair of any road culvert, provided that:

24
25 A. Erosion control measures are taken to prevent
26 sedimentation of the water;

27
28 B. The crossing does not block fish passage in the water
29 course; and

30
31 C. There is no additional intrusion into the river, stream
32 or brook.

33
34 Sec. 3. 38 MRSA §488, first ¶, as amended by PL 1977, c. 374,
35 §4, is further amended to read:

36
37 This Article shall ~~does~~ not apply to any development in
38 existence ~~or~~ any development in possession of applicable state
39 or local licenses to operate ~~or~~ any development under
40 construction on January 1, 1970, ~~or--to~~ any development the
41 construction and operation of which has been specifically
42 authorized by the Legislature prior to May 9, 1970, or to public
43 service corporation transmission lines, except transmission lines
44 carrying 100 kilovolts or more, nor shall ~~does~~ it apply to the
45 renewal or revision of leases of parcels of land upon which a
46 structure or structures have been located as of March 15, 1972,
47 ~~nor~~ to the rebuilding or reconstruction of natural gas pipelines
48 or transmission lines within the same right-of-way, or to the
49 replacement, maintenance or minor repair of any road culvert.
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STATEMENT OF FACT

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This bill exempts the replacement, maintenance and minor repair of road culverts from permits required under the natural resource protection laws, the site location of development laws and the mandatory shoreland zoning laws.

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