

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

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Legislative Document

No. 1432

H.P. 987

House of Representatives, April 4, 1991

Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.  
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 MARSH of West Gardiner.  
Cosponsored by Representative COLES of Harpswell and Senator TITCOMB of Cumberland.

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STATE OF MAINE

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

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**An Act to Establish and Implement the Maine Nonpoint Source Pollution  
Control Program.**

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

4 Sec. 1. 38 MRSA c. 3, art. 1-F is enacted to read:

6 Article 1-F

8 NONPOINT SOURCE POLLUTION PROGRAM

10 §410-H. Definitions

12 As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

14 1. Best management practices. "Best management practices" means a technique or procedure or combination of techniques or procedures that is determined by the department to be the most effective practicable means of preventing or reducing pollution generated by nonpoint sources.

20 2. Nonpoint source. "Nonpoint source" means any source, excluding any source defined as a direct discharge in section 466, that discharges pollutants into the waters of the State, including, but not limited to, sources related to agriculture, construction and maintenance of bridges, railways and roads, forest management practices and commercial, industrial or residential development.

28 §410-I. Cooperation with agencies

30 The commissioner shall cooperate and coordinate with the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation, the Commissioner of Transportation and the Commissioner of Economic and Community Development to ensure a coordinated approach to nonpoint source pollution control for agriculture, forestry, transportation and development.

36 §410-J. Program implementation

38 1. Agriculture. The Department of Agriculture, Food and Rural Resources shall develop best management practices to reduce and prevent nonpoint source pollution from agricultural activities. The Department of Agriculture, Food and Rural Resources shall specify the use of appropriate best management practices in conservation plans and determine best management utilization during on-farm assessments.

46 2. Forestry. The Department of Conservation, Bureau of Forestry, in cooperation with the department shall develop best management practices to reduce and prevent nonpoint source pollution from wood harvesting and forest management activities. The Bureau of Forestry shall prescribe appropriate best management practices for use by landowners and wood harvesters.

2 Landowners and wood harvesters shall implement best management  
3 practices and must be notified of these required practices and  
4 assisted in their implementation in accordance with the Bureau of  
5 Forestry advisory programs under Title 12, sections 8611 and 8612.

6 3. Transportation. The Department of Transportation, in  
7 cooperation with the department, shall develop best management  
8 practices to reduce and prevent nonpoint source pollution from  
9 transportation-related activities. The Department of  
10 Transportation shall require all state or federally funded  
11 projects to utilize appropriate best management practices. The  
12 Department of Transportation shall provide technical assistance  
13 to municipalities and certify municipal transportation projects  
14 using appropriate best management practices.

15 4. Development. The department shall develop best  
16 management practices to reduce and prevent nonpoint source  
17 pollution from development-related activities. The department  
18 shall provide guidance and technical assistance to the Department  
19 of Economic and Community Development and municipalities to  
20 ensure implementation through growth management plans required by  
21 Title 30-A, chapter 187, subchapter II and municipal subdivision  
22 ordinances. The department shall certify that municipal growth  
23 management plans contain the necessary provisions to control  
24 nonpoint source pollution at the local level. Municipalities  
25 shall certify those projects using prescribed best management  
26 practices.

27 §410-K. Program review

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31 The department shall, prior to January 1, 1994, submit to  
32 the Legislature a report detailing the effectiveness of the  
33 program and making recommendations for program improvements. The  
34 report is due no later than January 1, 1995.

35 Sec. 2. 38 MRSA §413, sub-§2, as affected by PL 1989, c. 890,  
36 Pt. A, §40 and amended by Pt. B, §28, is repealed and the  
37 following enacted in its place:

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39  
40 2. Exemptions. A person may not be deemed in violation of  
41 this section for the discharge of rock, sand, soil, organics or  
42 other nonpoint source pollutants resulting from surface run-off,  
43 or from seepage of pollutants to groundwater, when such run-off  
44 or seepage is related to agricultural, silvicultural,  
45 transportation or development activities when the prescribed best  
46 management practices required to control the runoff or seepage  
47 are being utilized and the appropriate municipal, regional or  
48 state agency identified in section 410-J has determined that the  
49 appropriate best management practices are being implemented.  
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## STATEMENT OF FACT

4       Prevention of pollution from nonpoint sources is vital to  
6       the public interest and necessary to protect the health, safety  
8       and general welfare of the citizens of the State, and to protect  
10       private and public property. It is the purpose of this bill to  
12       provide for the conservation and protection of land, water and  
14       other natural resources of the State from nonpoint source  
16       pollution. Under this bill, the Department of Environmental  
18       Protection has the authority to establish and implement a  
20       comprehensive statewide program to reduce and control nonpoint  
22       source pollution and its adverse effects.

14       This bill amends the State's water quality laws to include  
16       nonpoint source pollution and to implement the Maine nonpoint  
18       source pollution management program as required by the 1987  
20       amendments to the federal Clean Water Act. The program will  
22       identify water resources needing immediate protection from  
24       nonpoint source pollution, develop best management practices for  
control of nonpoint source pollution, develop model comprehensive  
planning and ordinance information for use by municipalities and  
develop compliance monitoring mechanisms. State agencies will be  
required to cooperate on an ongoing basis to carry out the  
provisions of this bill.