

# MAINE STATE LEGISLATURE

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R. of S.

L.D. 189

(Filing No. H-299 )

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 144, L.D. 189, Bill, "An Act to Facilitate Municipal Road Construction"

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. 38 MRSA §438-A, sub-§1, ¶A, as enacted by PL 1991, c. 46, §2, is amended to read:

A. Minimum guidelines adopted by the board under this subsection may not require the issuance of a municipal permit 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 75 feet.

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

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to H.P. 144, L.D. 189

2           Sec. 2. 38 MRSA §480-Q, sub-§2-A, ¶A, as enacted by PL 1991,  
c. 46, §3, is repealed.'

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**STATEMENT OF FACT**

8           The amendment replaces the bill. Current law permits a  
10           person to replace an existing road culvert with a larger culvert  
            without obtaining a shoreland zoning permit or a permit issued  
12           under the natural resources protection laws, provided the culvert  
            meets certain conditions. This amendment repeals the condition  
14           that the new culvert may not be more than one standard culvert  
            size larger than the existing culvert.

Reported by the Committee on Energy and Natural Resources  
Reproduced and distributed under the direction of the Clerk of the  
House  
5/13/93

(Filing No. H-299)