

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2186

H.P. 1687

House of Representatives, March 19, 2002

**Resolve, to Establish the Task Force to Study the Effectiveness of  
Stormwater Management in Developed Watersheds.**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BAKER of Bangor.  
Cosponsored by Senator TREAT of Kennebec and  
Representatives: BROOKS of Winterport, COWGER of Hallowell, DAIGLE of Arundel,  
DUPLESSIE of Westbrook, KOFFMAN of Bar Harbor, McKEE of Wayne, THOMAS of  
Orono, TWOMEY of Biddeford.

2           **Emergency preamble. Whereas,** Acts and resolves of the  
Legislature do not become effective until 90 days after  
adjournment unless enacted as emergencies; and

4  
6           **Whereas,** this resolve establishes the Task Force to Study  
the Effectiveness of Stormwater Management in Developed  
Watersheds; and

8  
10          **Whereas,** this resolve is necessary as an emergency measure  
to afford adequate time for the issues to be appropriately  
addressed by the task force; and

12  
14          **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
16 necessary for the preservation of the public peace, health and  
safety; now, therefore, be it

18  
20          **Sec. 1. Task force established. Resolved:** That the Task Force to  
Study the Effectiveness of Stormwater Management in Developed  
Watersheds, referred to in this resolve as the "task force," is  
22 established; and be it further

24          **Sec. 2. Task force membership. Resolved:** That the task force  
consists of 16 members, 12 members appointed as follows:

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28           1. One member from the Senate appointed by the President of the  
Senate. When making the appointment, the President of the  
Senate shall give preference to a member who serves on the Joint  
30 Standing Committee on Natural Resources;

32           2. Two members of the House of Representatives, at least  
one of whom is a member of the political party that does not hold  
34 a majority of seats in that body, appointed by the Speaker of the  
House;

36           3. Two members representing environmental interests, one of  
whom is appointed by the President of the Senate and one of whom  
38 is appointed by the Speaker of the House;

40           4. Three members representing municipal interests, 2 of  
whom are appointed by the President of the Senate and one of whom  
42 is appointed by the Speaker of the House;

44           5. Two members representing statewide or regional planning  
associations, one of whom is appointed by the President of the  
46 Senate and one of whom is appointed by the Speaker of the House;

48           6. One member representing real estate or development  
50 interests, appointed by the Speaker of the House; and

2           7. One member representing business interests, appointed by  
the President of the Senate.

4  
6           The Commissioner of Environmental Protection or the  
commissioner's designee, the Commissioner of Inland Fisheries and  
Wildlife or the commissioner's designee, the Director of the  
8           State Planning Office within the Executive Department or the  
director's designee and the Commissioner of Economic and  
10          Community Development or the commissioner's designee serve as  
nonvoting members; and be it further

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14          **Sec. 3. Chairs. Resolved:** That the Senate member is the  
Senate chair of the task force and the first named House of  
Representatives member is the House chair of the task force; and  
16          be it further

18          **Sec. 4. Appointments; convening of task force. Resolved:** That all  
appointments must be made no later than 30 days following the  
20          effective date of this resolve. The appointing authorities shall  
notify the Executive Director of the Legislative Council once all  
22          appointments have been completed. Within 30 days after  
appointment of all members, the chairs shall call and convene the  
24          first meeting of the task force. The task force may hold up to 6  
meetings; and be it further

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28          **Sec. 5. Duties. Resolved:** That the task force shall examine  
the following issues concerning Maine's laws and rules governing  
stormwater regulation with the goal of improving the laws to  
30          protect the waters of the State from the cumulative impacts of  
development in more heavily developed watersheds. In its review,  
32          the task force shall:

34               1. Review available information on water bodies that fail  
to attain their water quality classification due to the effects  
36               of stormwater runoff from impervious surfaces or disturbed land;

38               2. Review available information on the cumulative effects  
of stormwater watersheds and water bodies, including rivers and  
40               streams, that are most at risk from development;

42               3. Review current best management practices for stormwater  
treatment;

44               4. Evaluate the effectiveness of existing permits, permit  
46               conditions, compliance and enforcement efforts to protect water  
quality from stormwater impacts in the State;

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2 5. Review information on stormwater regulation in other  
3 states, under federal Environmental Protection Act programs, and  
4 by municipalities;

6 6. Recommend changes in the State's existing stormwater law  
7 and site location law to be more protective of watersheds where  
8 existing development and cumulative impacts from all types of  
9 development continue to impact water quality;

10 7. Develop recommendations for alternative fee programs to  
11 fund necessary stormwater management programs at the state and  
12 local level, including long-term efforts to inspect, maintain and  
13 upgrade or retrofit stormwater management systems in impaired or  
14 at-risk watersheds;

16 8. Develop recommendations for encouraging the creation of  
17 stormwater utility districts; and

18 9. Develop recommendations for bringing older developments  
19 that are not currently subject to the State's stormwater  
20 regulations up to current standards for stormwater treatment.

22 The task force may establish additional advisory work groups  
23 as it considers appropriate; and be it further

26 **Sec. 6. Staff assistance. Resolved:** That, upon approval of the  
27 Legislative Council, the Office of Policy and Legal Analysis  
28 shall provide necessary staffing services to the task force; and  
29 be it further

30 **Sec. 7. Compensation. Resolved:** That the legislative members  
31 of the task force are entitled to receive legislative per diem,  
32 as defined in the Maine Revised Statutes, Title 3, section 2, and  
33 reimbursement for travel and other necessary expenses related to  
34 their attendance at meetings of the task force. Public members  
35 not otherwise compensated by their employers or other entities  
36 that they represent are entitled to receive reimbursement of  
37 necessary expenses for their attendance at authorized meetings of  
38 the task force; and be it further

40 **Sec. 8. Report. Resolved:** That the task force shall submit a  
41 report that includes its findings and recommendations, including  
42 suggested legislation, to the Joint Standing Committee on Natural  
43 Resources and the Legislative Council by November 6, 2002. The  
44 task force is authorized to introduce legislation related to its  
45 report to the First Regular Session of the 122nd Legislature at  
46 the time of submission of its report; and be it further

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2           **Sec. 9. Extension. Resolved:** That, if the task force requires  
a limited extension of time to complete its study and make its  
4 report, it may apply to the Legislative Council, which may grant  
an extension; and be it further

6           **Sec. 10. Task force budget. Resolved:** That the chairs of the  
task force, with assistance from the task force staff, shall  
8 administer the task force's budget. Within 10 days after its  
first meeting, the task force shall present a work plan and  
10 proposed budget to the Legislative Council for its approval. The  
task force may not incur expenses that would result in the task  
12 force exceeding its approved budget.

14           Upon request from the task force, the Executive Director of  
the Legislative Council or the executive director's designee  
16 shall promptly provide the task force chairs and staff with a  
status report on the study budget, expenditures incurred and paid  
18 and available funds.

20           **Emergency clause.** In view of the emergency cited in the  
preamble, this resolve takes effect when approved.

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#### SUMMARY

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This resolve establishes the Task Force to Study the  
Effectiveness of Stormwater Management in Developed Watersheds.