

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 608

H.P. 441

House of Representatives, February 3, 2005

An Act To Assist Municipal Implementation and Enforcement of Storm Water Management Programs

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KOFFMAN of Bar Harbor.
Cosponsored by Senator COWGER of Kennebec and
Representatives: DAIGLE of Arundel, DUCHESNE of Hudson, EBERLE of South Portland.

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

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4 **Sec. 1. 4 MRSA §152, sub-§6-A, ¶O**, as enacted by PL 1989, c. 878, Pt. A, §7, is amended to read:

6 O. Local ordinances regarding air pollution control enacted pursuant to Title 38, section 597; and

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10 **Sec. 2. 4 MRSA §152, sub-§6-A, ¶P**, as amended by PL 1999, c. 731, Pt. ZZZ, §4 and affected by §42, is further amended to read:

12 P. The laws pertaining to harbors in Title 38, chapter 1, subchapter ~~I~~ 1; local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2; and

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18 **Sec. 3. 4 MRSA §152, sub-§6-A, ¶Q** is enacted to read:

20 Q. Local ordinances and ordinance provisions regarding storm water, including, but not limited to, ordinances and ordinance provisions regulating nonstorm water discharges, construction site runoff and postconstruction storm water management, enacted as required by the federal Clean Water Act and federal regulations and by state permits and rules;

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26 **Sec. 4. 30-A MRSA §4452, sub-§5, ¶Q**, as amended by PL 1989, c. 287, §3, is further amended to read:

28 Q. Shoreland zoning ordinances adopted pursuant to Title 38, sections 435 to 447, including those ~~which~~ that were state-imposed; and

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34 **Sec. 5. 30-A MRSA §4452, sub-§5, ¶R**, as enacted by PL 1989, c. 287, §4, is amended to read:

36 R. The laws pertaining to harbors in Title 38, chapter 1, subchapter ~~I~~ 1, local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2; and

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42 **Sec. 6. 30-A MRSA §4452, sub-§5, ¶S** is enacted to read:

44 S. Local ordinances and ordinance provisions regarding storm water, including, but not limited to, ordinances and ordinance provisions regulating nonstorm water discharges, construction site runoff and postconstruction storm water management, enacted as required by the federal Clean Water Act and federal regulations and by state permits and rules.

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SUMMARY

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This bill assists municipalities in implementing and enforcing storm water management programs to regulate and control storm water pollution. The bill ensures that the District Court and Superior Court have concurrent jurisdiction to hear enforcement actions brought by municipalities regarding violations of ordinances and ordinance provisions they are required to enact, implement and enforce regarding nonstorm water discharges, construction site runoff and postconstruction storm water management. The bill also adds these ordinances to the list of environmental ordinances that the municipality may enforce using the land use enforcement mechanism, pursuant to the Maine Rules of Civil Procedure, Rule 80K, authorizing code enforcement officers to prosecute certain violations and by which a prevailing municipality may obtain a fine, injunctive relief or payment of attorney's fees, expert witness fees and costs from the violator if the municipality prevails.