

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1311

H.P. 914

House of Representatives, March 31, 2009

**An Act To Enable Municipal Assistance for Purposes of Protecting
or Restoring Public Waters**

(AFTER DEADLINE)

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 DUCHESNE of Hudson.
Cosponsored by Senator GOODALL of Sagadahoc and
Representatives: EBERLE of South Portland, KNAPP of Gorham, Senator: NASS of York.

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

2 **Sec. 1. 23 MRSA §3106** is enacted to read:

3 **§3106. Municipal assistance for purposes of protecting or restoring a great pond**

4 **1. Repairs to a private road.** A municipality may repair a private road, way or
5 bridge to prevent storm water runoff pollution from reaching a great pond as defined in
6 Title 38, section 480-B, subsection 5 for a fee or through the expenditure of public funds
7 if:

8 **A. The private road, way or bridge is within the watershed of the great pond;**

9 **B. The great pond:**

10 **(1) Is listed on the Department of Environmental Protection's list of bodies of**
11 **water most at risk pursuant to Title 38, section 420-D, subsection 3;**

12 **(2) Has been listed as impaired in an integrated water quality monitoring and**
13 **assessment report submitted by the Department of Environmental Protection to**
14 **the United States Environmental Protection Agency pursuant to the federal Clean**
15 **Water Act, 33 United States Code, Section 1315(b) at least once since 2002; or**

16 **(3) Is identified as having threats to water quality in a completed watershed**
17 **survey that uses a protocol accepted by the Department of Environmental**
18 **Protection;**

19 **C. The Department of Environmental Protection or the municipality determines that**
20 **the private road, way or bridge is contributing to the degradation of the water quality**
21 **of the great pond based upon an evaluation of the road, way or bridge using a**
22 **protocol accepted by the department;**

23 **D. The repair complies with best management practices required by the Department**
24 **of Environmental Protection; and**

25 **E. The private road, way or bridge is maintained by a road association organized**
26 **under this subchapter or Title 13-B.**

27 **2. Rules.** The Department of Environmental Protection may adopt rules to carry out
28 the purposes of this section. Rules adopted pursuant to this subsection are routine
29 technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

30 **SUMMARY**

31 This bill allows a municipality to repair a private road, way or bridge for a fee or
32 through the expenditure of public funds to protect the water quality of a great pond if the
33 following criteria are met:

34 1. The private road, way or bridge is in the watershed of the great pond;

35 2. The great pond is listed by the Department of Environmental Protection as a body
36 of water most at risk or as impaired in a report to the United States Environmental

1 Protection Agency or the department identifies the great pond as having threats to its
2 water quality in a watershed survey;

3 3. The Department of Environmental Protection or the municipality determines the
4 private road, way or bridge is contributing to the degradation of the great pond's water
5 quality;

6 4. The repair complies with best management practices as required by the
7 Department of Environmental Protection; and

8 5. The private road, way or bridge is maintained by a statutorily established road
9 association.