

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

---

Legislative Document

No. 1553

H.P. 1095

House of Representatives, December 21, 2009

### **An Act To Facilitate Establishment of Watershed Districts**

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2009. Referred to the Committee on Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative EBERLE of South Portland.  
Cosponsored by Senator DAVIS of Cumberland and  
Representatives: HASKELL of Portland, HINCK of Portland, LOVEJOY of Portland,  
MORRISON of South Portland, NELSON of Falmouth, ROTUNDO of Lewiston, RUSSELL  
of Portland, STUCKEY of Portland.

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

2 **Sec. 1. 38 MRSA §484, sub-§4-A**, as amended by PL 1997, c. 502, §8 and  
3 affected by c. 603, §§8 and 9, is further amended to read:

4 **4-A. Storm water management and erosion and sedimentation control.** The  
5 proposed development, other than a metallic mineral mining or advanced exploration  
6 activity, meets the standards for storm water management in section 420-D and the  
7 standard for erosion and sedimentation control in section 420-C. A proposed metallic  
8 mineral mining or advanced exploration activity must meet storm water standards in  
9 department rules adopted to implement subsections 3 and 7. If exempt under section 420-  
10 D, subsection 7, a proposed development must satisfy the applicable storm water quantity  
11 standard and, if the development is located in the direct watershed of a lake included in  
12 the list adopted pursuant to section 420-D, subsection 3, any applicable storm water  
13 quality standards adopted pursuant to section 420-D. For redevelopment projects only,  
14 the standards for storm water management in section 420-D are met if the proposed  
15 development is located in a designated area served by a department-approved  
16 management system for storm water as described in section 420-D, subsection 2, as long  
17 as the owner or operator of the parcel upon which the proposed development will be  
18 located enters into or obtains and remains in compliance with all agreements, permits and  
19 approvals necessary for the proposed development to be served by such management  
20 system for storm water.

21 **Sec. 2. 38 MRSA §2014** is enacted to read:

22 **§2014. Alternative method**

23 This chapter may not be construed to limit a municipality's home rule authority or its  
24 ability to form a watershed district through its interlocal cooperation authority under Title  
25 30-A, chapter 115 but provides an additional and alternative method for the formation of  
26 a watershed district and provides powers supplemental and additional to powers  
27 conferred by other laws, and may not be regarded as in derogation of or repealing any  
28 powers existing under any other law, either general, special or local.

29 **Sec. 3. Retroactivity.** This Act applies retroactively to July 1, 2009.

30 **SUMMARY**

31 This bill facilitates establishment of watershed districts to address urban-impaired  
32 streams in 2 ways.

33 This bill amends the laws governing site location of development to authorize the  
34 Department of Environmental Protection to make a finding that the storm water  
35 management standards are met if a redevelopment project is located in a watershed with  
36 an approved management plan and the project's owner or operator has entered into an  
37 agreement or has obtained the approvals and permits necessary to participate in that  
38 management plan.

1           This bill amends the laws governing coastal and lake watershed districts to clarify  
2 that the laws provide one way of establishing a watershed district and that, alternatively,  
3 one or more municipalities may create a watershed district under municipal home rule  
4 authority or under interlocal cooperation authority. The bill is retroactive to July 1, 2009  
5 to ensure that actions taken since that date to create watershed districts by interlocal  
6 agreement or by incorporation are valid.