

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 568

H.P. 392

House of Representatives, February 26, 2015

An Act To Protect Maine Lakes

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CHIPMAN of Portland.
Cosponsored by Representative McCABE of Skowhegan, Senator BREEN of Cumberland and Representatives: BUCKLAND of Farmington, CAMPBELL of Orrington, DUCHESNE of Hudson, HARLOW of Portland, MARTIN of Eagle Lake, TUCKER of Brunswick, WHITE of Washburn, Senator: GRATWICK of Penobscot.

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

2 **Sec. 1. 38 MRSA §410-L, first ¶**, as enacted by PL 1997, c. 643, Pt. YY, §1, is
3 amended to read:

4 The Lakes Assessment and Protection Program is established within the department
5 to monitor and protect the health and integrity of the State's lakes through activities
6 identified in section 410-M.

7 **Sec. 2. 38 MRSA §410-M**, as amended by PL 2011, c. 655, Pt. EE, §22 and
8 affected by §30, is repealed and the following enacted in its place:

9 **§410-M. Lakes assessment and protection**

10 In implementing the Lakes Assessment and Protection Program, the commissioner
11 shall ensure that the department:

12 **1. Education and technical assistance.** Provides education and technical assistance
13 relating to lake functions and values, watershed planning and management,
14 implementation of best management practices, effects of cumulative impacts and
15 applicable laws and rules;

16 **2. Monitoring lakes and conducting research.** Monitors lakes and conducts
17 research relating to the ecology and health of lakes, the vulnerability of and risks to lakes,
18 the relationship between lake water quality and development, the design and effectiveness
19 of best management practices and the effectiveness of efforts to protect lakes. The
20 department shall integrate the use of water quality monitors, academic institutions and
21 other lake monitoring resources in monitoring pursuant to this subsection. The
22 department shall make data collected pursuant to this subsection and the department's
23 analysis of the data regularly available on its publicly accessible website and through
24 other outreach resources. The department shall include the data and analysis in the report
25 submitted to the Legislature pursuant to section 464, subsection 3, paragraph A;

26 **3. Compliance monitoring and enforcement.** Promotes and monitors compliance
27 with and enforcement of the natural resources protection laws, the mandatory shoreland
28 zoning laws, the storm water management laws, the erosion and sedimentation control
29 laws and other state and local laws providing standards for the protection of lakes;

30 **4. Water quality and habitat protection, restoration and maintenance.** Directs
31 and assists with activities that protect, restore and maintain lake water quality and the
32 quality of habitat in lakes and on land surrounding lakes that affect the health and
33 integrity of lakes. The department shall develop partnerships pursuant to subsection 5 to
34 assist with these activities; and

35 **5. Partnerships.** Develops partnerships with lake associations, municipalities,
36 businesses, academic institutions, water quality monitors and other interested individuals
37 to increase public understanding about risks posed to the health and integrity of lakes and
38 actions that can be taken to reduce those risks and sustain lake water quality, including
39 informing lakeshore property owners of the value of using best management practices for

1 the application of turf pesticides and fertilizers and for reducing nutrient runoff. To the
2 extent possible, the department shall provide technical and financial assistance to partners
3 pursuant to this subsection. A partnership developed pursuant to this subsection may
4 assist the department in water quality and habitat protection, restoration and maintenance
5 activities pursuant to subsection 4.

6 **Sec. 3. 38 MRSA §418-B** is enacted to read:

7 **§418-B. Prohibition on application of fertilizers near great ponds**

8 **1. Prohibition.** Notwithstanding any other provision of law, a person may not apply
9 a fertilizer within 25 feet of the normal high-water line of a great pond. As used in this
10 section, "fertilizer" has the same meaning as in section 419, subsection 1, paragraph A-3.

11 **2. Exception.** Subsection 1 does not apply to a fertilizer application for the purpose
12 of agriculture. Nothing in this subsection relieves a person applying a fertilizer for the
13 purpose of agriculture from the obligation to comply with all applicable requirements for
14 a nutrient management plan in accordance with Title 7, chapter 747. As used in this
15 section, "agriculture" has the same meaning as in section 436-A, subsection 1-B.

16 **Sec. 4. 38 MRSA §464, sub-§3, ¶A,** as affected by PL 1989, c. 890, Pt. A, §40
17 and amended by Pt. B, §55, is further amended to read:

18 A. The commissioner shall submit to the first regular session of each Legislature a
19 report on the quality of the State's waters ~~which~~ that describes existing water quality,
20 identifies waters that are not attaining their classification and states what measures
21 are necessary for the attainment of the standards of their classification. The report
22 must include the data and analysis collected and evaluated pursuant to section 410-M,
23 subsection 2.

24 **SUMMARY**

25 This bill amends the laws governing the Lakes Assessment and Protection Program.
26 It also creates a prohibition on the application of fertilizers within 25 feet of the normal
27 high-water line of a great pond, with exceptions for persons involved in agriculture.