

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 276

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H.P. 174

House of Representatives, January 26, 2023

### **An Act to Assist Municipalities in Preventing Damage from Storm Water**

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

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

ROBERT B. HUNT  
Clerk

Presented by Representative ANKELES of Brunswick.  
Cosponsored by Representative: DOUDERA of Camden.

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

2 **Sec. 1. 23 MRSA §3106**, as amended by PL 2009, c. 501, §3, is further amended to  
3 read:

4 **§3106. Municipal assistance for purposes of protecting or restoring a ~~great pond~~**  
5 **threatened natural resource**

6 **1. Repairs to a private road, way or bridge.** For the purpose of protecting or  
7 restoring a ~~great pond~~, as defined in Title 38, section 480-B, subsection 5 ~~threatened natural~~  
8 ~~resource~~, a municipality may appropriate funds to repair a private road, way or bridge to  
9 prevent storm water runoff pollution from reaching a ~~great pond~~ the threatened natural  
10 resource if:

11 A. The private road, way or bridge is located within the watershed of the ~~great pond~~  
12 threatened natural resource or is located within or immediately adjacent to the  
13 threatened natural resource;

14 B. ~~The~~ With respect to a threatened natural resource that is a great pond only, the great  
15 pond:

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

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

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

24 C. The Department of Environmental Protection or the municipality determines that  
25 the private road, way or bridge is contributing to the degradation of ~~the~~ water quality  
26 ~~of the great pond~~ within or immediately adjacent to the threatened natural resource  
27 based upon an evaluation of the road, way or bridge using a protocol accepted by the  
28 department;

29 D. The repair complies with best management practices required by the Department  
30 of Environmental Protection; and

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

33 **1-A. Definitions.** As used in this section, unless the context otherwise indicates, the  
34 following terms have the following meanings.

35 A. "Coastal bluff" means a steep shoreline slope formed in sediment such as clay, sand  
36 or gravel that has 3 feet or more of vertical elevation above the high tide line. "Coastal  
37 bluff" does not include a cliff or slope in a bedrock surface or the eroded seaward edge  
38 of a coastal beach or coastal sand dune.

39 B. "Great pond" has the same meaning as in Title 38, section 480-B, subsection 5.

40 C. "Protected natural resource" has the same meaning as in Title 38, section 480-B,  
41 subsection 8.

