

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1570

H.P. 1015

House of Representatives, April 11, 2023

An Act to Create the Storm Water Infrastructure Repair and Replacement Fund

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 Senator DAUGHTRY of Cumberland and
Representatives: BELL of Yarmouth, DILL of Old Town, FAY of Raymond, GRAMLICH of
Old Orchard Beach, JAUCH of Topsham, KESSLER of South Portland, MALON of
Biddeford, STOVER of Boothbay.

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

2 **Sec. 1. 38 MRSA §420-F** is enacted to read:

3 **§420-F. Storm Water Infrastructure Repair and Replacement Fund**

4 **1. Fund established.** The Storm Water Infrastructure Repair and Replacement Fund,
5 referred to in this section as "the fund," is established in the department to issue grants to
6 municipalities to repair or replace storm water infrastructure. A grant may be issued to a
7 municipality to repair or replace storm water infrastructure that is damaged, is nearing the
8 end of its life expectancy, has failed or is a hazard, or for any other purpose determined by
9 rule by the department. The fund consists of money received as appropriations, allocations
10 and contributions from private and public sources. The fund, to be accounted within the
11 department, must be held separate and apart from all other money, funds and accounts.
12 Eligible investment earnings credited to the assets of the fund become part of the assets of
13 the fund. Any unexpended balances remaining in the fund at the end of any fiscal year do
14 not lapse and must be carried forward to the next fiscal year. For the purposes of this
15 subsection, "storm water infrastructure" includes, but is not limited to, culverts, pipes, catch
16 basins, treatment ponds, treatment devices and storm water infiltration systems.

17 **2. Rules.** The department shall adopt routine technical rules as defined in Title 5,
18 chapter 375, subchapter 2-A to carry out the purposes of the fund.

19 **Sec. 2. Storm Water Infrastructure Repair and Replacement Fund;**
20 **alternative funding sources.** The Department of Environmental Protection shall
21 explore alternative stable funding sources for the Storm Water Infrastructure Repair and
22 Replacement Fund established in the Maine Revised Statutes, Title 38, section 420-F. By
23 December 6, 2023, the department shall submit a report and recommendations, including
24 any suggested legislation, to the Joint Standing Committee on Environment and Natural
25 Resources. The committee may submit legislation related to the report to the Second
26 Regular Session of the 131st Legislature.

27 **Sec. 3. Transfer from unappropriated surplus of General Fund to Storm**
28 **Water Infrastructure Repair and Replacement Fund.** Notwithstanding any
29 provision of law to the contrary, the State Controller shall transfer \$10,000,000 by October
30 1, 2023 from the unappropriated surplus of the General Fund to the Storm Water
31 Infrastructure Repair and Replacement Fund, Other Special Revenue Funds account in the
32 Department of Environmental Protection.

33 **Sec. 4. Appropriations and allocations.** The following appropriations and
34 allocations are made.

35 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**
36 **Storm Water Infrastructure Repair and Replacement Fund N438**

37 Initiative: Provides allocation for grants to municipalities to repair or replace storm water
38 infrastructure.

39	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
40	All Other	\$9,999,500	\$500
41			
42	OTHER SPECIAL REVENUE FUNDS TOTAL	\$9,999,500	\$500

1	Storm Water Infrastructure Repair and Replacement Fund N438		
2	Initiative: Provides funding for one Environmental Engineer position and associated costs.		
3	GENERAL FUND	2023-24	2024-25
4	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
5	Personal Services	\$74,553	\$104,774
6	All Other	\$3,141	\$4,188
7			
8	GENERAL FUND TOTAL	<u>\$77,694</u>	<u>\$108,962</u>
9			
10	ENVIRONMENTAL PROTECTION,		
11	DEPARTMENT OF		
12	DEPARTMENT TOTALS	2023-24	2024-25
13			
14	GENERAL FUND	\$77,694	\$108,962
15	OTHER SPECIAL REVENUE FUNDS	\$9,999,500	\$500
16			
17	DEPARTMENT TOTAL - ALL FUNDS	<u>\$10,077,194</u>	<u>\$109,462</u>

18 **SUMMARY**

19 This bill establishes the Storm Water Infrastructure Repair and Replacement Fund in
20 the Department of Environmental Protection for the purpose of issuing grants to
21 municipalities to repair or replace storm water infrastructure. It provides funding for grants
22 and one Environmental Engineer position. It also requires the department to explore
23 alternative stable funding sources for the fund and to submit recommendations to the Joint
24 Standing Committee on Environment and Natural Resources. The committee is authorized
25 to submit legislation to the Second Regular Session of the 131st Legislature.