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Public Law
124th Legislature
Second Regular Session

Chapter 537
H.P. 1082 - L.D. 1538

An Act To Close Loopholes in Environmental Laws

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

Sec. 1. 38 MRSA §414, sub-§8, as enacted by PL 1997, c. 794, Pt. A, §21, is amended to read:

8. Effect of license. Issuance of a license under ~~this chapter~~ section 413 does not convey any property right of any sort, or exclusive privilege. Except for toxic effluent standards and prohibitions imposed under the Federal Water Pollution Control Act, Section 307, as amended, compliance with a license issued under section 413 during its terms constitutes compliance with ~~this chapter~~ sections 413 to 414-C and section 423-D. It is not a defense for a licensee in an enforcement action that it would have been necessary to halt or reduce the licensed activity in order to maintain compliance with the conditions of the license. The licensee shall take all reasonable steps to minimize or prevent any discharge in violation of a license that has a reasonable likelihood of adversely affecting human health or the environment.

Sec. 2. 38 MRSA §420-D, sub-§7, ¶A, as enacted by PL 1995, c. 704, Pt. B, §2 and affected by PL 1997, c. 603, §§8 and 9, is repealed and the following enacted in its place:

A. Forest management activities as defined in section 480B, subsection 2B, including associated road construction or maintenance, do not require review pursuant to this section as long as any road construction is used primarily for forest management activities that do not constitute a change in land use under rules adopted by the Department of Conservation, Bureau of Forestry concerning forest regeneration and clear-cutting and is not used primarily to access development, unless the road is removed and the site restored to its prior natural condition. Roads must be the minimum feasible width and total length consistent with forest management activities. This exemption does not apply to roads within a subdivision as defined in Title 30A, section 4401, subsection 4, for the organized portions of the State.

Sec. 3. 38 MRSA §480-Q, sub-§7-A, ¶A, as enacted by PL 1989, c. 838, §6, is repealed.

Sec. 4. 38 MRSA §480-Q, sub-§7-A, ¶D, as amended by PL 2001, c. 618, §4, is further amended to read:

D. Any road construction is used primarily for forest management activities that do not constitute a change in land use under rules adopted by the Department of Conservation, Bureau of Forestry concerning forest regeneration and clear-cutting and is not used primarily to access development but is used primarily for forest management activities, unless the road is removed and the site restored

to its prior natural condition. Roads must be the minimum feasible width and total length consistent with forest management activities. This exemption does not apply to roads ~~that provide access to development in~~ within a subdivision as defined in Title 30A, section 4401, subsection 4, for the organized portions of the State, or Title 12, section 682, subsection 2A, including divisions of land exempted by Title 12, section 682B, for portions of the State under the jurisdiction of the Maine Land Use Regulation Commission;

Effective July 12, 2010