

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Enable Municipal Assistance for Purposes of Protecting or Restoring Public Waters

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

Sec. 1. 23 MRSA §3106 is enacted to read:

§ 3106. Municipal assistance for purposes of protecting or restoring a great pond

1. Repairs to a private road. A municipality may repair a private road, way or bridge to prevent storm water runoff pollution from reaching a great pond as defined in Title 38, section 480-B, subsection 5 for a fee or through the expenditure of public funds if:

A. The private road, way or bridge is within the watershed of the great pond;

B. The great pond:

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

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

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

C. The Department of Environmental Protection or the municipality determines that the private road, way or bridge is contributing to the degradation of the water quality of the great pond based upon an evaluation of the road, way or bridge using a protocol accepted by the department;

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

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

2. Rules. The Department of Environmental Protection may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill allows a municipality to repair a private road, way or bridge for a fee or through the expenditure of public funds to protect the water quality of a great pond if the following criteria are met:

1. The private road, way or bridge is in the watershed of the great pond;
2. The great pond is listed by the Department of Environmental Protection as a body of water most at risk or as impaired in a report to the United States Environmental Protection Agency or the department identifies the great pond as having threats to its water quality in a watershed survey;
3. The Department of Environmental Protection or the municipality determines the private road, way or bridge is contributing to the degradation of the great pond's water quality;
4. The repair complies with best management practices as required by the Department of Environmental Protection; and
5. The private road, way or bridge is maintained by a statutorily established road association.