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An Act To Facilitate Establishment of Watershed Districts

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, under the authority of the federal Clean Water Act, the United States Environmental Protection Agency has required permits for storm water discharges in the Long Creek watershed; and

Whereas, the United States Environmental Protection Agency has delegated the administration of the permit program to the Department of Environmental Protection; and

Whereas, the Department of Environmental Protection has issued a general permit that will provide affected property owners or operators with permit coverage if they are participating in implementation of the Long Creek Watershed Management Plan; and

Whereas, affected property owners or operators will be required to have permit coverage by July 2010; and

Whereas, an entity to administer the implementation of the Long Creek Watershed Management Plan must be formed and this Act facilitates the formation of such an entity; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §484, sub-§4-A, as amended by PL 1997, c. 502, §8 and affected by c. 603, §§8 and 9, is further amended to read:

4-A. Storm water management and erosion and sedimentation control. The proposed development, other than a metallic mineral mining or advanced exploration activity, meets the standards for storm water management in section 420-D and the standard for erosion and sedimentation control in section 420-C. A proposed metallic mineral mining or advanced exploration activity must meet storm water standards in department rules adopted to implement subsections 3 and 7. If exempt under section 420-D, subsection 7, a proposed development must satisfy the applicable storm water quantity standard and, if the development is located in the direct watershed of a lake included in the list adopted pursuant to section 420-D, subsection 3, any applicable storm water quality standards adopted pursuant to section 420-D. For redevelopment projects only, the standards for storm water management in section 420-D are met if the proposed development is located in a designated area served by a department-approved management system for storm water as described in section 420-D, subsection 2, as long as the owner or operator of the parcel upon which the proposed development will be located enters into or obtains and remains in compliance with all agreements, permits and approvals necessary for the proposed development to be served by such management system for storm water.

Sec. 2. 38 MRS §2014 is enacted to read:

§ 2014. Alternative method

This chapter may not be construed to limit a municipality's home rule authority or its ability to form a watershed district through its interlocal cooperation authority under Title 30-A, chapter 115 but provides an additional and alternative method for the formation of a watershed district and provides powers supplemental and additional to powers conferred by other laws, and may not be regarded as in derogation of or repealing any powers existing under any other law, either general, special or local.

Sec. 3. Retroactivity. This Act applies retroactively to July 1, 2009.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective 90 days following adjournment of the 124th
Legislature, Second Regular Session, unless otherwise indicated.