§3106. Municipal assistance for purposes of protecting or restoring natural resources

1. Protection or restoration of great ponds through repairs to private roads, ways or bridges. For the purpose of protecting or restoring a great pond, as defined in Title 38, section 480-B, subsection 5, a municipality may appropriate funds to repair a private road, way or bridge to prevent storm water runoff pollution from reaching a great pond if:

A. The private road, way or bridge is within the watershed of the great pond; [PL 2009, c. 225, §1 (NEW).]

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; [PL 2009, c. 225, §1 (NEW).]

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; [PL 2009, c. 225, §1 (NEW).]

D. The repair complies with best management practices required by the Department of Environmental Protection; and [PL 2009, c. 225, §1 (NEW).]

E. The private road, way or bridge is maintained by a road association organized under this subchapter or Title 13-B. [PL 2009, c. 225, §1 (NEW).]

[PL 2023, c. 65, §1 (AMD).]

1-A. Protection or restoration of protected natural resources through repairs to certain private roads, ways, bridges or storm water management systems. For the purpose of protecting or restoring a protected natural resource, a municipality or a regional community and economic development organization may appropriate funds to repair a private road, way, bridge or storm water management system to prevent storm water runoff pollution from reaching a protected natural resource if:

A. The private road, way, bridge or storm water management system is within the watershed of the protected natural resource or is located within or immediately adjacent to the protected natural resource; [PL 2023, c. 65, §1 (NEW).]

B. With respect to a protected natural resource that is a great pond only, the great pond satisfies the criteria listed in subsection 1, paragraph B; [PL 2023, c. 65, §1 (NEW).]

C. The Department of Environmental Protection, the municipality or the regional community and economic development organization determines that the private road, way, bridge or storm water management system is contributing to the degradation of water quality within or immediately adjacent to the protected natural resource based upon an evaluation of the road, way, bridge or storm water management system using a protocol accepted by the department; [PL 2023, c. 65, §1 (NEW).]

D. The repair complies with best management practices required by the Department of Environmental Protection; and [PL 2023, c. 65, §1 (NEW).]

E. The private road, way, bridge or storm water management system is located wholly or partially within or immediately adjacent to a military installation closed pursuant to the federal Defense Base Realignment and Closure Act of 1990. [PL 2023, c. 65, §1 (NEW).]

[PL 2023, c. 65, §1 (NEW).]

1-B. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Protected natural resource" has the same meaning as in Title 38, section 480-B, subsection 8. [PL 2023, c. 65, §1 (NEW).]

B. "Regional community and economic development organization" means a quasi-governmental entity established in statute for the purpose of addressing the development needs, problems and opportunities of municipalities and regions. "Regional community and economic development organization" includes, but is not limited to, the Midcoast Regional Redevelopment Authority established in Title 5, section 13083-G. [PL 2023, c. 65, §1 (NEW).]

[PL 2023, c. 65, §1 (NEW).]

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.

[PL 2009, c. 225, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 225, §1 (NEW). PL 2009, c. 501, §3 (AMD). PL 2023, c. 65, §1 (AMD).

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