

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 Facilitate Establishment of Watershed Districts

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 MRSA §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.

SUMMARY

This bill facilitates establishment of watershed districts to address urban-impaired streams in 2 ways.

This bill amends the laws governing site location of development to authorize the Department of Environmental Protection to make a finding that the storm water management standards are met if a redevelopment project is located in a watershed with an approved management plan and the project's owner or operator has entered into an agreement or has obtained the approvals and permits necessary to participate in that management plan.

This bill amends the laws governing coastal and lake watershed districts to clarify that the laws provide one way of establishing a watershed district and that, alternatively, one or more municipalities may create a watershed district under municipal home rule authority or under interlocal cooperation authority. The bill is retroactive to July 1, 2009 to ensure that actions taken since that date to create watershed districts by interlocal agreement or by incorporation are valid.