

APPENDIX A

THE CORE LAWS OF THE MAINE COASTAL PROGRAM¹²

The following state statutes and their implementing regulations, commonly referred to as core laws, establish the authorities and organizational structure that the state relies on to administer the Maine Coastal Program. The program's enforceable policies are contained in many, but not all, of the core laws. Some core laws, such as the Coastal Management Policies Act, or portions of core laws do not contain enforceable policies but address governance issues or articulate state policy that is implemented through enforceable policies under other core laws or local ordinances. Activities subject to federal consistency review are only required to be consistent with the enforceable policies of the program and thus not all of the core laws are applicable. Prior to completing a consistency certification or determination, applicants and federal agencies should consult with the Maine Coastal Program at DMR to determine which core laws or sections of the core laws contain applicable enforceable policies.

- **Natural Resources Protection Act (38 M.R.S. §§480-A to 480-S; and 480-U to 480-HH)**

Wetlands Protection rules (Department of Environmental Protection (DEP) rules ch. 310), as amended effective November 11, 2018;

Coastal Sand Dune rules (DEP rules ch. 355), as amended effective October 26, 2014;

Permit by Rule standards (DEP rules ch. 305);

Significant habitat rules (DEP rules ch. 335, as amended effective January 7, 2014);

Department of Inland Fisheries and Wildlife (DIFW) rules ch. 10); and

Scenic Impact rules (DEP rules ch. 315)

¹² Last updated in October 2020 to reflect program changes approved by NOAA in August 2020. The statutory and rule provisions listed are those with force and effect as state law, as amended, on June 16, 2020, unless otherwise indicated.

- **Site Location of Development Law (38 M.R.S. §§481 to 485-A; 486-A, -B; 487-A to 490-FF)**

Definitions of terms used in the site location of development law and regulations (DEP rules ch. 371);

Policies and procedures (DEP rules ch. 372);

Financial capacity standard (DEP rules ch. 373), as amended effective June 3, 2016;

No adverse environmental impact standard (DEP rules ch. 375), as amended effective June 3, 2016;

Soil types standard (DEP rules ch. 376);

Review of roads (DEP rules ch. 377);

Variance criteria; performance standards (storage of petroleum products) (DEP rules ch. 378); and

Planning permit (DEP rules ch. 380), as amended effective June 3, 2016

- **Maine Metallic Mineral Mining Act (38 M.R.S. §§490-LL-490-TT)**

Metallic Mineral Exploration, Advanced Exploration and Mining rules (DEP rules ch. 200), as adopted effective December 28, 2017

- **MaineDOT Traffic Movement Permit Law (23 M.R.S. §704-A)**

- **Erosion Control and Sedimentation Law (38 M.R.S. §420-C)**

- **Wind Energy Act (35-A M.R.S. §§3451-3459)**

Scenic viewpoints of state or national significance on public reserved lands or publicly accessible pedestrian trails (Department of Conservation rules ch. 3); and

Wind Energy Standards (DEP rules ch. 382), as adopted effective April 30, 2018

- **Storm Water Management Law (38 M.R.S. §420-D)**

Storm Water Management rules (DEP rules ch. 500), as amended effective August 12, 2015;

Storm Water Management Compensation Fees and Mitigation Credit (DEP rules ch. 501), as amended effective May 22, 2016;

Direct Watersheds of Waterbodies Most at Risk from New Development; and

Sensitive or Threatened Regions or Watersheds (DEP rules ch. 502), as amended effective February 18, 2018

- **Maine Waterway Development and Conservation Act (38 M.R.S. §§630 to 636-A; and 640)**

Administrative Regulations for Hydropower Projects (DEP rules ch. 450/LUPC rules ch. 11), as adopted effective November 2, 2017

- **Protection and Improvement of Air Law (38 M.R.S. §§581 to 610-A, -B)¹³**

Regulatory definitions (DEP rules ch. 100), as amended effective January 14, 2019;

Growth offset regulations (DEP rules ch. 113), as amended effective January 14, 2019;

Major and minor source air emissions license regulations (DEP rules ch. 115), as amended effective November 26, 2012;

Source surveillance (DEP rules ch. 117);

Gasoline vapor recovery (DEP rules ch. 118);

¹³ State air and water pollution control laws which are established pursuant to the federal Clean Air Act and Clean Water Act are incorporated into the Maine Coastal Program pursuant to the CZMA, 16 U.S.C. §1456(f).

RACT for VOCs emitting facilities (DEP rules ch. 134);

RACT for nitrous oxides emitting facilities (DEP rules ch. 138); and

Part 70 air emission regulations (DEP rules ch. 140), as amended effective December 1, 2012

- **Protection and Improvement of Waters Act¹⁴ (38 M.R.S. §§361 to 367; 371-A to 372; 410-N; 411 to 424; 451 to 455; and 464 to 470)**
- **Nutrient Management Act (7 M.R.S. §§4201-4214)**
- **Land Use Regulation Law (12 M.R.S. §§681 to 689)**

List of Coastal Islands in the Jurisdiction of the Maine Land Use Planning Commission (LUPC);

Land Use Districts and Standards (LUPC rules ch. 10), as amended effective June 17, 2019; and

Metallic Mineral Exploration, Advanced Exploration, and Mining (LUPC rules ch. 113), as effective September 20, 2018

- **Maine Hazardous Waste, Septage and Solid Waste Management Act (38 M.R.S. §§1301 to 1310-BB; 1316 to 1316-L; and 1317 to 1319-W)**
- **Uncontrolled Hazardous Substance Sites Law (38 M.R.S. §§1362 and 1367)**
- **Asbestos Law (38 M.R.S. §§1273 and 1281)**
- **Lead Abatement Law (38 M.R.S. §§1296 and 1298(3))**
- **Sale of Consumer Products Affecting the Environmental Law (38 M.R.S. §§1608 and 1609-10)**

¹⁴ See footnote 13.

- **Mercury-Added Products and Services Law (38 M.R.S. §§1661-1661-C; 1665-A, -B; and 1672)**

- **Solid Waste Management and Recycling Law (38 M.R.S. §§2101, 2133, sub-§2(A) and 2165)**

Beneficial Use of Solid Waste (DEP rules ch. 418), as amended effective July 18, 2018

- **Priority Toxic Chemical Use Reduction Law (38 M.R.S. §§2321-2330)**

- **Wellhead Protection Law (38 M.R.S. §§1391-1399)**

Wellhead Protection: Siting of Facilities that Pose a Significant Threat to Drinking Water (DEP rules ch. 700);

Siting of Oil Storage Facilities (DEP rules ch. 692), as amended effective August 7, 2019; and

Rules and Regulations for Flammable and Combustible Liquids (Dept. of Public Safety rules ch. 34)

- **Nuclear Facility Decommissioning Laws (PL 1999 c. 739 and PL 1999 c. 741)**

- **Oil Discharge Prevention & Pollution Control Law (38 M.R.S. §§541 to 560)**

- **Oil Storage Facilities and Ground Water Protection Law (38 M.R.S. §§561; 562-A; 563, sub-§1(A) and 2; 563-A-B; 564; 565-A; 566-A; 568; 568-A-B; 569-A, -C; 570; and 570-A-G, I-M)**

Rules for Underground Storage Facilities (DEP rules ch. 691), as amended effective September 26, 2018

- **Maine Endangered Species Act (12 MRSA §§12801-12810 [inland species]; 12 M.R.S. §6971-6977 [marine species]; and 12 M.R.S. §10001, sub-§§19 and 62 [definitions])**

Endangered species (DIFW rules ch. 8)

- **General licensing and enforcement authorities; fees (38 M.R.S. §§341-D; 344 to 349; and 352-353, and 353-A, -B[fees])¹⁵**
- **Maine Rivers Act (12 M.R.S. §§403 and 407)**
- **Marine Resources Law (12 M.R.S. §§6171 to 6192; and 6432-A)**
- **Subdivision Law (30-A M.R.S. §§4401 to 4408)**
- **Mandatory Shoreland Zoning Law (38 M.R.S. §§435 to 449)**

Guidelines for Municipal Shoreland Zoning Ordinances (DEP rules ch. 1000), as amended effective January 26, 2015

- **Coastal Management Policies Act (38 M.R.S. §§1801 to 1802)**
- **Coastal Barrier Resources System Act (38 M.R.S. §§1901 to 1905)**

¹⁵ NOAA has clarified that federal agencies are not obligated to pay fees absent a requirement to do so under a federal law other than the Coastal Zone Management Act.