Maine Floodplain Management Program

Department of Agriculture, Conservation and Forestry

Acronyms
NFIP – National Flood Insurance Program
FIRM – Flood Insurance Rate Map
DFIRM – Digital Flood Insurance Rate Map
FIRMette – a small area of the FIRM, official effective data
SFHA – Special Flood Hazard Area
NFHL – National Flood Hazard Layer – the GIS file name for digital flood data
Q3 – digitized FIRMs, not complete
BFE – Base Flood Elevation
FIS – Flood Insurance Study
LOMC – Letter of Map Change, includes the following:
LOMA – Letter of Map Amendment, applicable to a parcel or structure on natural ground
LOMR – Letter of Map Revision, changes to flood zone, BFE, or flood hazard boundary line
LOMA-F – Letter of Map Amendment based on Fill, where fill was placed to raise the elevation
CLOMR – Conditional Letter of Map Revision based on engineering plans to remove property from the SFHA
CLOMR-F - Conditional Letter of Map Revision based on Fill
SOMA – Summary of Map Actions, a report that identifies whether existing LOMCs will remain in effect or be superseded
LAG – Lowest Adjacent Grade

Flood Zones

1% Annual Chance Flood – 100 year event
A – Approximate study, no BFE
AE – Detailed study with BFE
AO, AH – Areas of shallow flooding, sheet flow, or ponding
VE – Velocity zone associated with ocean waves, with BFE
X – outside mapped flood hazard area
X shaded - .2% Annual Chance Flood, 500-year event
Floodway – Channel of a river where flood risk is highest
CBRS – Coastal Barrier Resource System, USFW designated habitat areas, no flood insurance available
OPA – Otherwise Protected Area, similar to CBRS
LiMWA – Limit of Moderate Wave Action, Coastal A zone

Mapping Phases

Preliminary Map –intended for community review, public viewing
Pending Map – Once FEMA set the final map date, maps move from "Preliminary" to "Pending, due to become effective within 6 months
Final Map –effective FIRM

Digital Flood Insurance Rate Maps (DFIRMs) in Maine

County Wide	Effective Date
Androscoggin	July 8, 2013
Cumberland	June 20, 2024
Hancock	July 20, 2016
Kennebec	June 16, 2011
Knox	July 6, 2016
Lincoln	July 16, 2015
Oxford	July 7, 2009
Sagadahoc	July 16, 2015
Waldo	July 6, 2015
Washington	July 18, 2017
York	July 17, 2024

Community	Effective Date
Allagash	April 2, 2003
Eagle Lake	August 2, 2006
Fort Kent	July 6, 2016
Mapleton	December 18, 2007
Van Buren	January 16, 2008

Watershed

Lower Penobscot Watershed **Effective July 19, 2023**

Bangor, Bradley, Brewer, Carmel, Clifton, Corinth, Dixmont, Eddington, Etna, Exeter, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Levant, Milford, Newburgh, Old Town, Orono, Orrington, Plymouth, Stetson, and Veazie.

LAW WITHOUT GOVERNOR'S SIGNATURE

APRIL 2, 2024

CHAPTER

585

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-FOUR

S.P. 863 - L.D. 2035

An Act Regarding Disclosure of Flood Risk by Sellers of Real Estate

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

Sec. 1. 33 MRSA §173, sub-§5, as amended by PL 2017, c. 181, §2, is further amended to read:

5. Known defects. Any known defects; ~~and~~

Sec. 2. 33 MRSA §173, sub-§6, ¶B, as enacted by PL 2017, c. 181, §3, is amended to read:

B. Any means other than a public way, in which case the seller shall disclose information about who is responsible for maintenance of the means of access, including any responsible road association, if known by the seller~~.~~; and

Sec. 3. 33 MRSA §173, sub-§7 is enacted to read:

7. Flood hazard. Information regarding potential flood risks, including:

A. Whether, at the time the seller provides the information to the purchaser, the property is located wholly or partly within an area of special flood hazard mapped on the effective flood insurance rate map issued by the Federal Emergency Management Agency on or after March 4, 2002; the federally designated flood zone for the property indicated on that flood insurance rate map; and a copy of the relevant panel of that flood insurance rate map. For the purposes of this paragraph, "area of special flood hazard" has the same meaning as in Title 38, section 436-A, subsection 1-C;

B. Whether, during the time that the prospective seller has owned the property:

(1) Any flood events affected the property or a structure on the property;

(2) Any flood-related damage to a structure occurred on the property;

(3) Any flood insurance claims were filed for a structure on the property and, if so, the date of each claim; and

(4) Any past disaster-related aid was provided related to the property or a structure on the property from federal, state or local sources for the purposes of flood recovery and, if so, the date of each payment; and

C. For the purposes of this subsection, "flood" means:

(1) A general and temporary condition of partial or complete inundation of normally dry areas from:

(a) The overflow of inland or tidal waters; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source; or

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as described in subparagraph (1), division (a).

Sec. 4. 33 MRSA §193, sub-§3, ¶B, as enacted by PL 2019, c. 142, §2, is amended to read:

B. Any means other than a public way, in which case the seller shall disclose information about who is responsible for maintenance of the means of access, including any responsible road association, if known by the seller~~.~~; and

Sec. 5. 33 MRSA §193, sub-§4 is enacted to read:

4. Flood hazard. Information regarding potential flood risks, including:

A. Whether, at the time the seller provides the information to the purchaser, the property is located wholly or partly within an area of special flood hazard mapped on the effective flood insurance rate map issued by the Federal Emergency Management Agency on or after March 4, 2002; the federally designated flood zone for the property indicated on that flood insurance rate map; and a copy of the relevant panel of that flood insurance rate map. For the purposes of this paragraph, "area of special flood hazard" has the same meaning as in Title 38, section 436-A, subsection 1-C;

B. Whether, during the time that the prospective seller has owned the property:

(1) Any flood events affected the property or a structure on the property;

(2) Any flood-related damage to a structure occurred on the property;

(3) Any flood insurance claims were filed for a structure on the property and, if so, the date of each claim; and

(4) Any past disaster-related aid was provided related to the property or a structure on the property from federal, state or local sources for the purposes of flood recovery and, if so, the date of each payment; and

C. For the purposes of this subsection, "flood" means:

(1) A general and temporary condition of partial or complete inundation of normally dry areas from:

(a) The overflow of inland or tidal waters; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source; or

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as described in subparagraph (1), division (a).

Sec. 6. 33 MRSA §194 is enacted to read:

§194. Delivery and time of disclosure; cancellation of contract

1. Definition. As used in this section, "flood risk disclosure statement" means a statement containing, at minimum, the information required by section 193, subsection 4.

2. Delivery and time of disclosure. The seller of nonresidential real property under this subchapter shall deliver or cause to be delivered a flood risk disclosure statement to the purchaser no later than the time the purchaser makes an offer to purchase, exchange or option the property or exercises an option to purchase the property pursuant to a lease with an option to purchase.

3. Terminate contract. If the seller does not deliver or cause to be delivered a flood risk disclosure statement to the purchaser before the purchaser makes an offer or exercises an option in accordance with subsection 2, the purchaser may terminate any resulting real estate contract or withdraw the offer within 72 hours after receipt of the flood risk disclosure statement.

4. Withdrawal without penalty. If the purchaser terminates a real estate contract or withdraws an offer pursuant to this section, the termination or withdrawal is without penalty to the purchaser and the seller shall promptly return to the purchaser any deposits made by the purchaser.

5. Rights waived. Any rights of the purchaser to terminate a real estate contract provided by this section are waived conclusively if not exercised prior to settlement or occupancy, whichever is earlier, by the purchaser in the case of a sale or exchange, or prior to settlement in the case of a purchase pursuant to a lease with an option to purchase. Any rights of the purchaser to terminate a real estate contract for reasons other than those set forth in this section are not affected by this section.

6. Invalidated. A transfer subject to this subchapter is not invalidated solely because of the failure of any person to comply with this subchapter.

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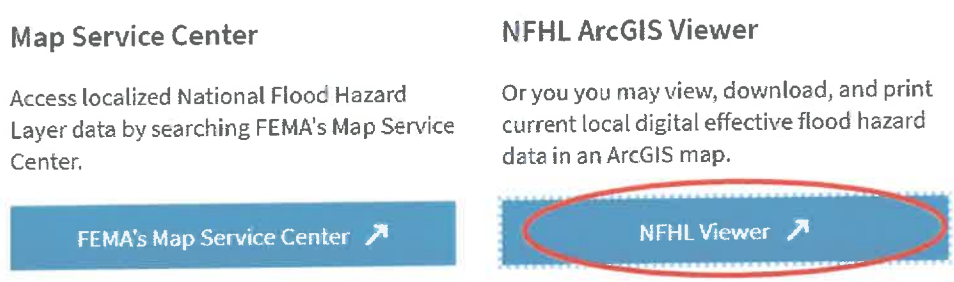
How to use the FEMA NFHL Viewer May 5, 2023

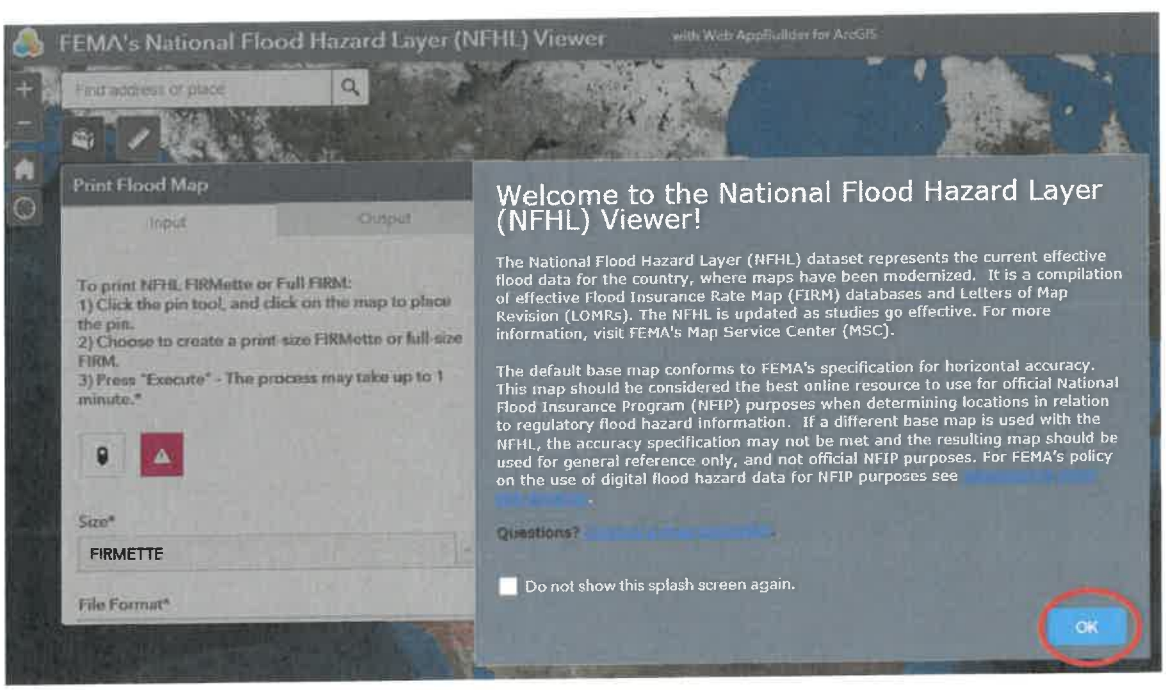
FEMA provides the [National Flood Hazard Layer (NFHL)]() viewer as an interactive flood map tool for the whole country. The dynamic map shows the currently effective National Flood Hazard Layer. The NFHL viewer will enable users to create maps as a FIRMette or full-size FIRM panel.

1. Go to the FEMA National Flood Hazard Viewer website, https://www.fema.gov/national-flood-hazard-layer-nfhl.
2. Scroll down past the introduction and click on the NFHL Viewer link.

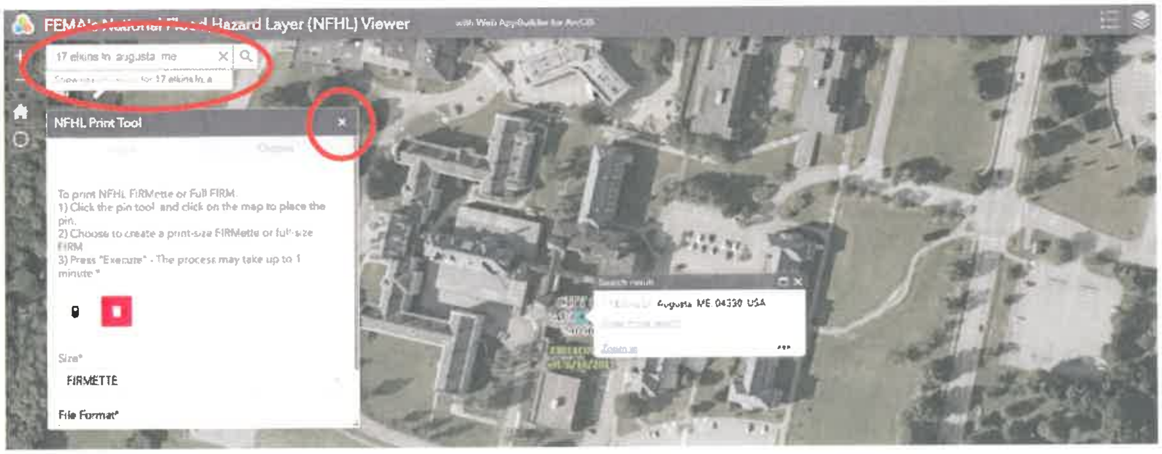


A new web page will open showing the FEMA National Flood Hazard Layer Viewer.

- Click OK to enter the application.

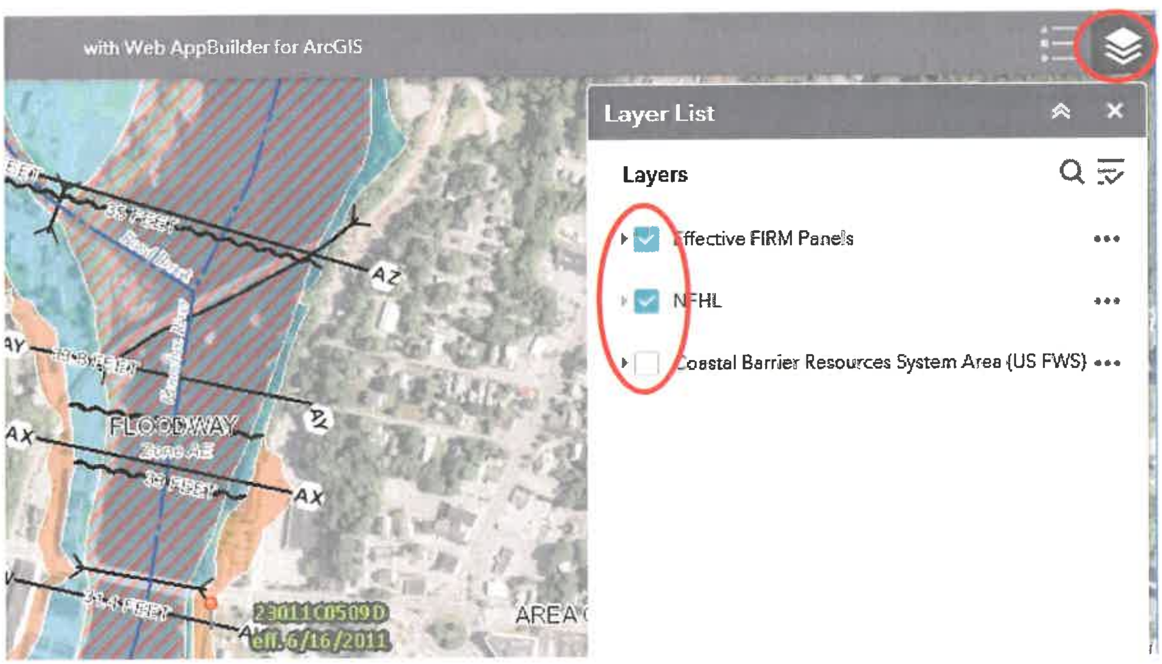


3. Enter an address in the search box in the upper left corner of the page, click the search button. The map will zoom to that location. You can scroll and pan to find your site.
    - Close the Print Flood Map option by clicking on the "x", it can be opened when needed.

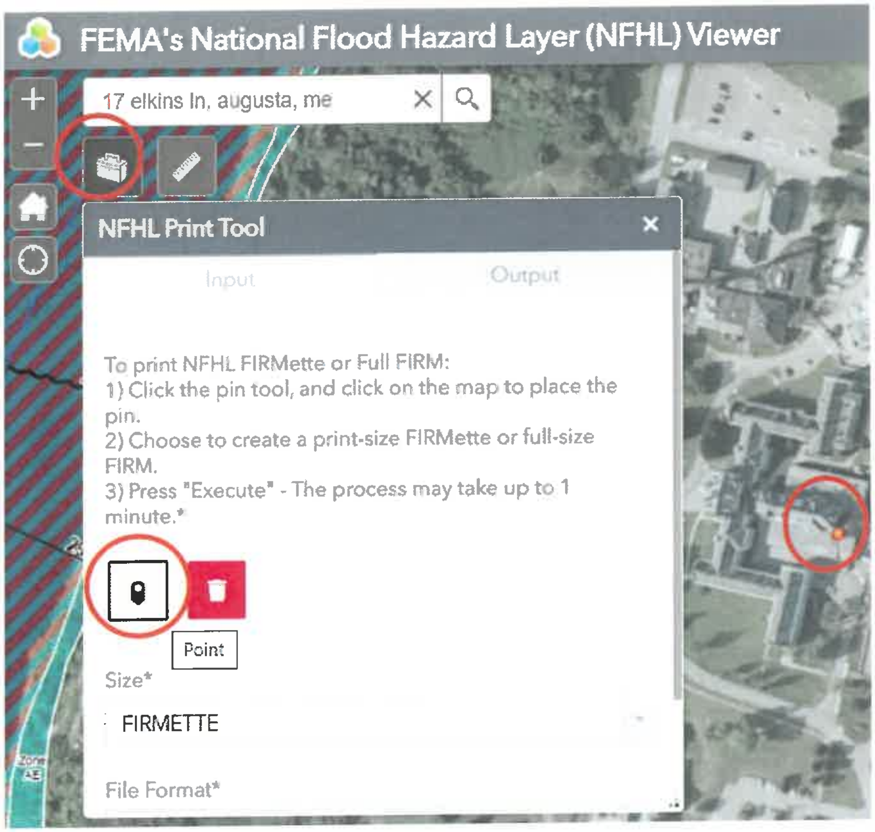


Map layers can be turned on or off for viewing.

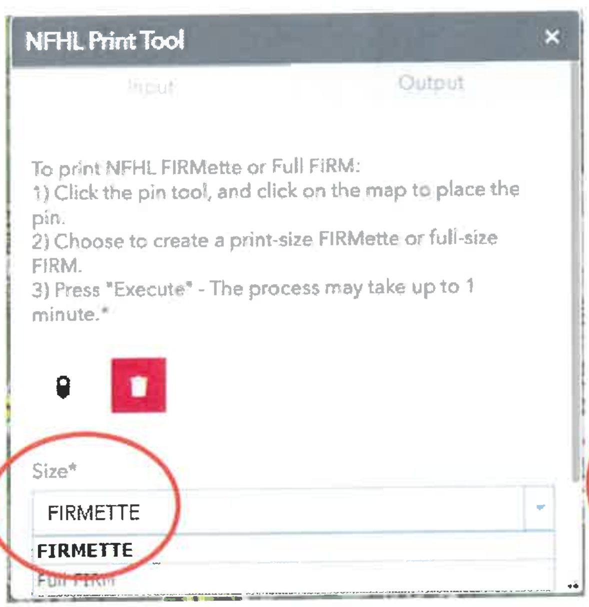
- Click on the Layer List icon in the upper right corner of the page. This will show available data layers.
- Data groups can be expanded by clicking on the arrow to the left of the title.
- Turn layers on or off by checking the box to the left of the layer name.

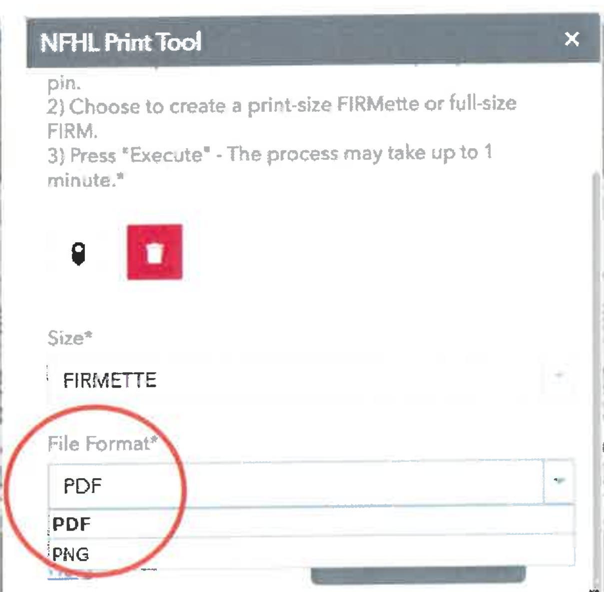


4. A map can be printed by opening the NFHL Print Tool.
    - Click on the Pin/Point icon then click on the map in the desired location.

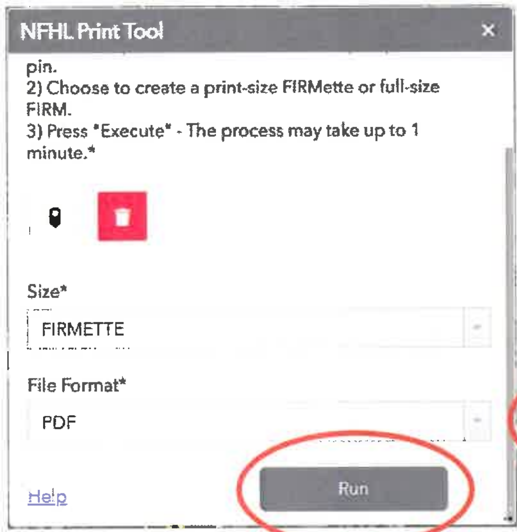


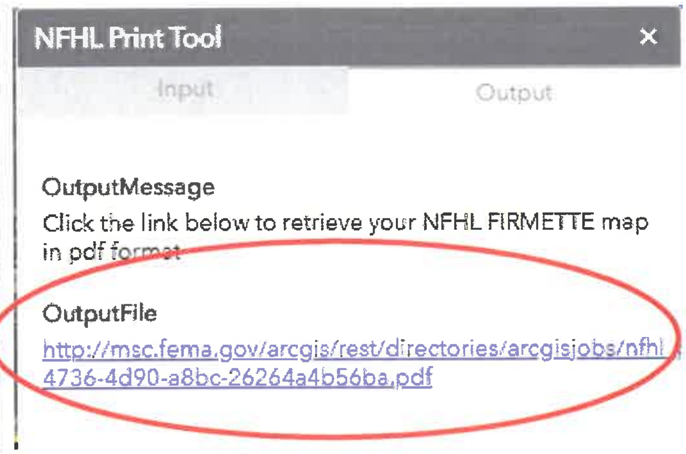
    - Select the page Size option as FIRMETTE or the Full FIRM panel.
    - Scroll down to select the file format as PDF or PNG.



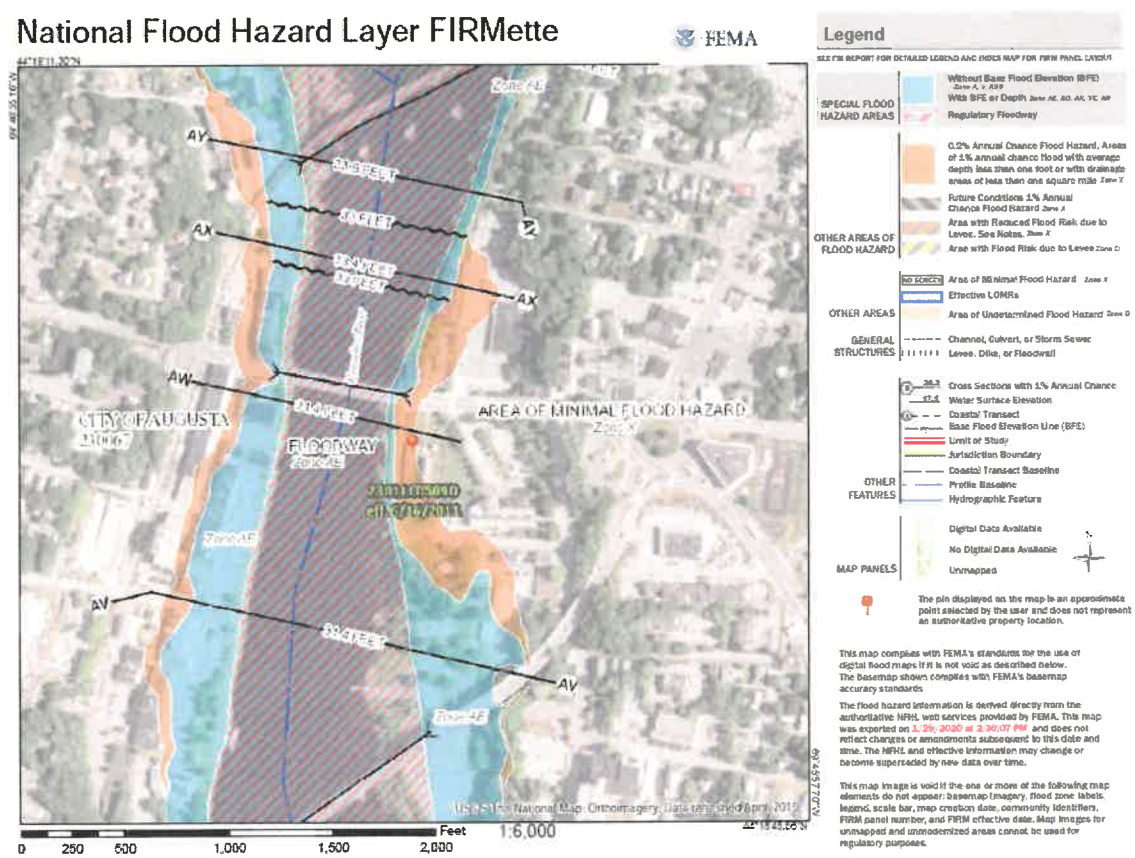


5. Scroll down and click the Run button
   - Click on the Output File link for the final map.





   - A new window will open with the map that can be viewed, printed, or saved.



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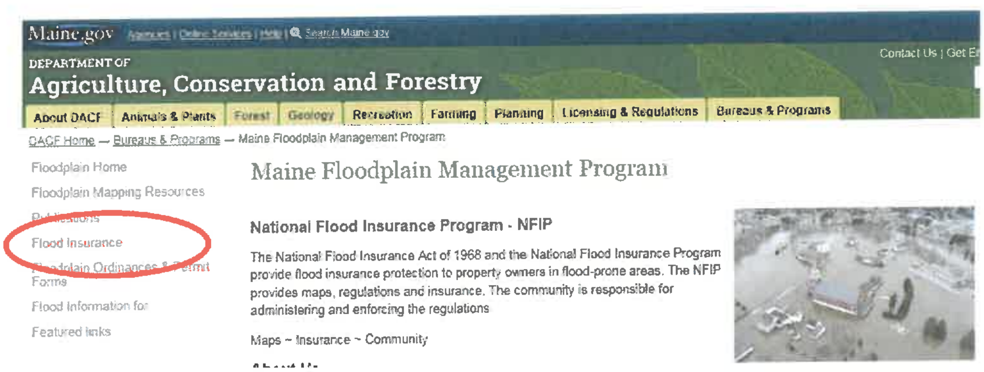
How to use the Maine Flood Mapper May 5, 2023

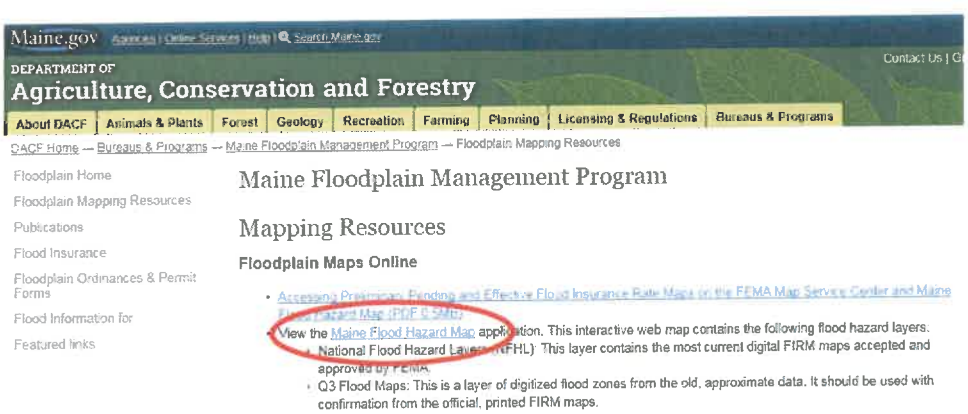
The Maine Flood Hazard Map is a representation of the flood zones. It does not replace the official Flood Insurance Rate Map (FIRM). For all regulatory uses the currently effective FIRM **must** be used. To get a copy of the official currently effective FIRM go to the FEMA Map Service Center, [FEMA Flood Map Service Center | Welcome!](), and make a FIRMETTE.

<u>ALWAYS</u> CONFIRM WITH THE OFFICIAL FLOOD INSURANCE RATE MAP

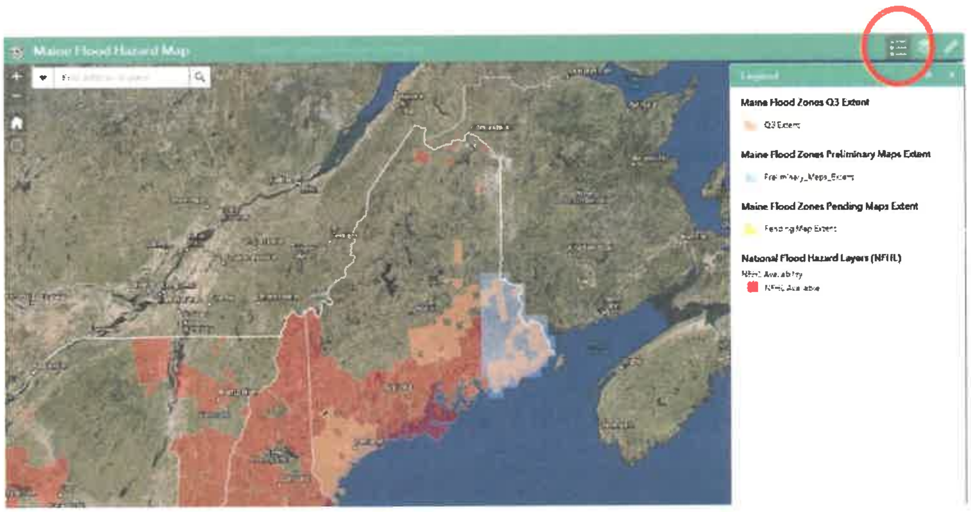
1. Go to the Maine Floodplain Management Program home web page. http://www.maine.gov/dacf/flood/index.shtml
2. Click on the Floodplain Mapping Resources link on the left side of the page.



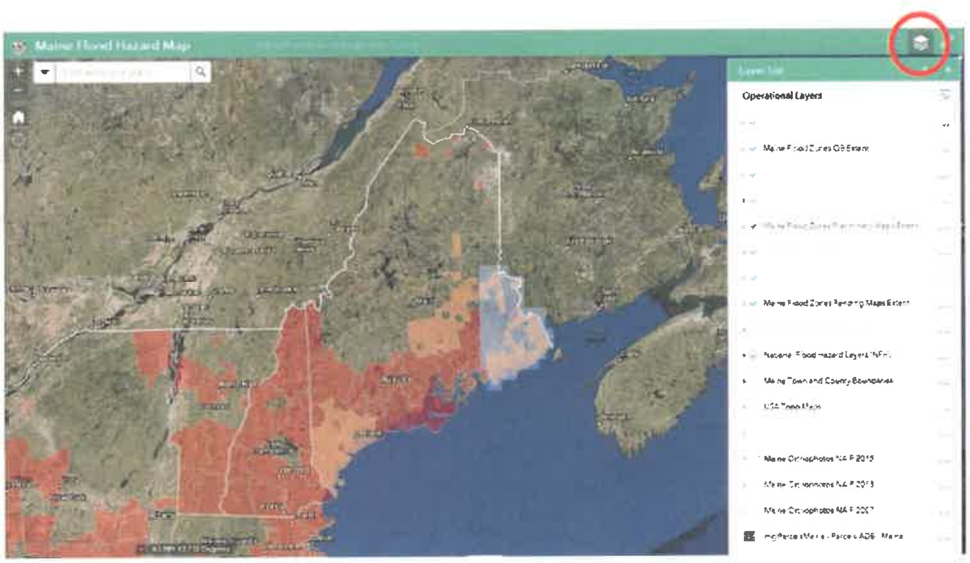
3. Click on the Maine Flood Hazard Map link. The map application will open.



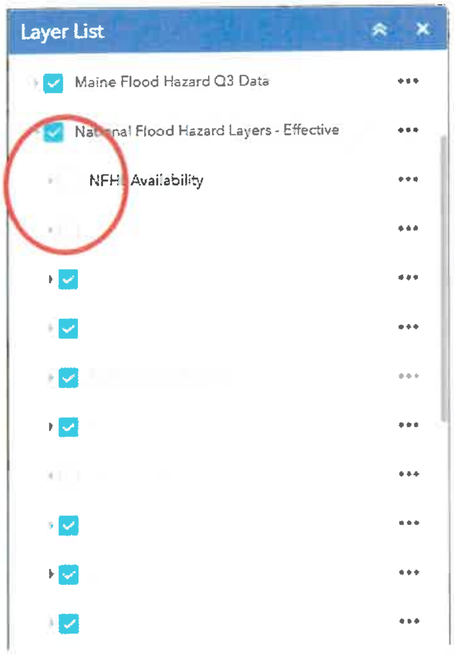
4. Click on the Legend icon in the upper right of the banner. See the map symbols for the available data:
- Q3 data is approximate, with incomplete coverage for the state.
- The National Flood Hazard Layer (NFHL) is currently effective.
- Preliminary maps are subject to change. Preliminary maps move to Pending when the final map date has been set.
- Pending maps are due to become final within 6 months.

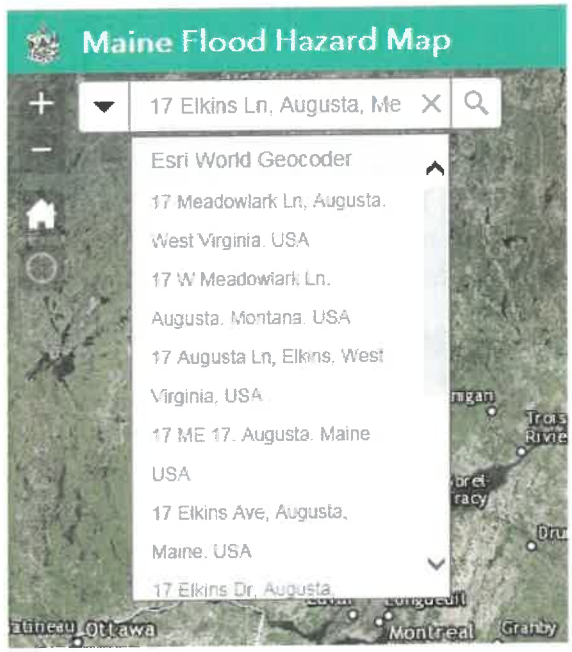


5. Click on the Layer icon to see the available layers that can be turned on or off by checking the box.

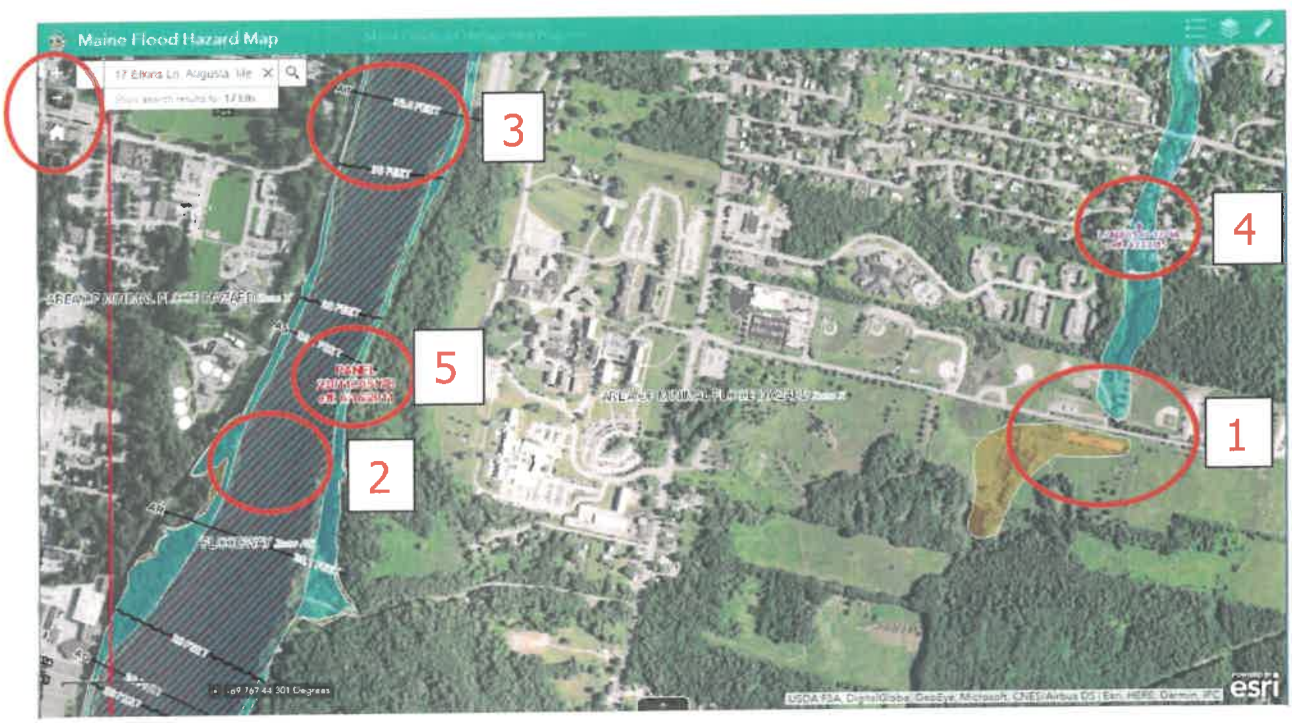


- Click on the arrow to the left of a layer name to expand the list of additional data, click on the box to turn the layer on or off.



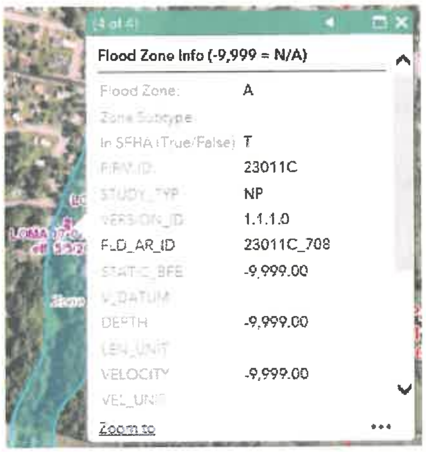


6. Enter an address and click on the magnifying glass or hit the return key, the map will zoom to that location.
7. Use the mouse wheel to zoom in and out or use the zoom buttons in the upper left corner of the map. Use the mouse to click and drag to pan around the map.



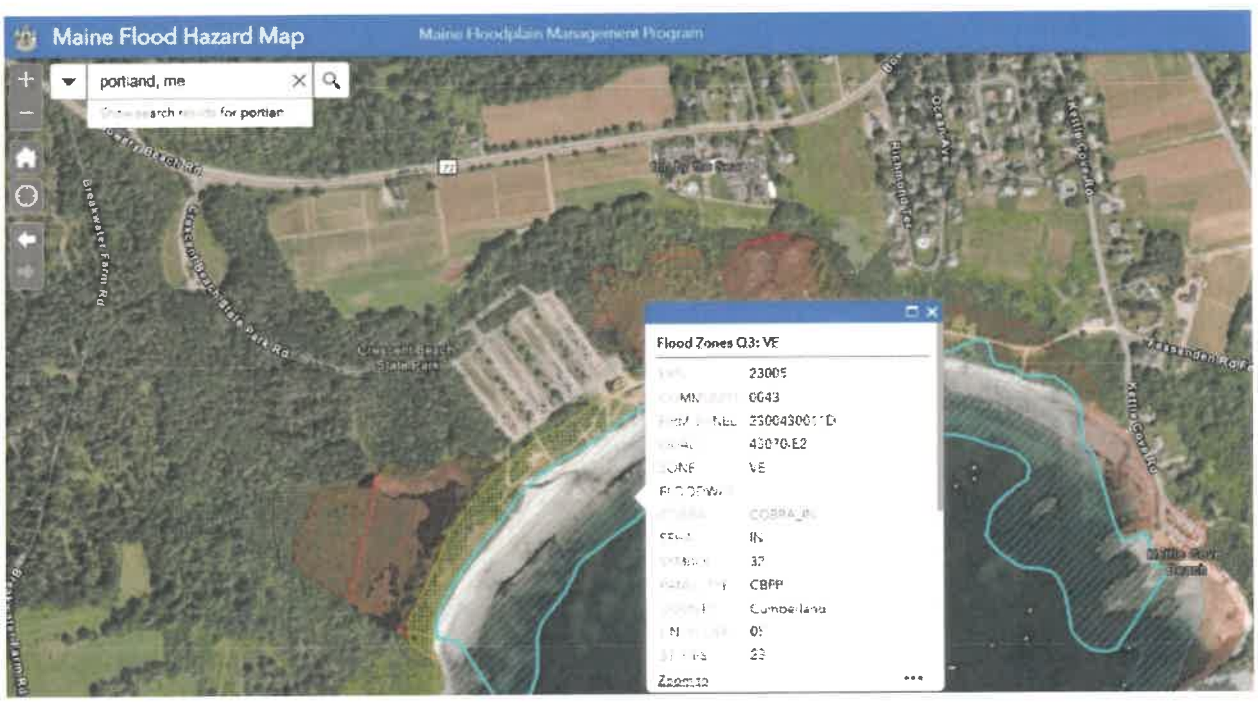
This area has new maps so all the currently effective NFHL data is displayed:

1. Flood zones are shaded blue for 1% annual chance flood or orange for .2% annual chance flood.
2. Floodways are diagonal striped.
3. Transects and cross-sections must be turned on from the layer list.
4. LOMA locations and case numbers must be turned on from the layer list to be identified. The LOMA can be downloaded from the Map Service Center.
5. Map panel numbers and date are displayed.
6. The flood map attribute data can be viewed by clicking on the map.



6

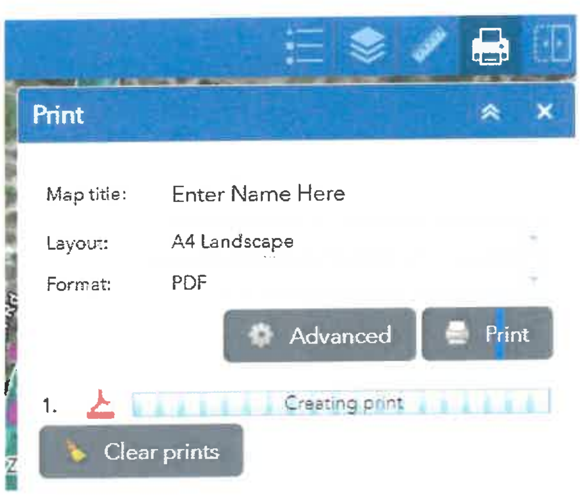
- Q3 data is limited to some areas, some areas have no flood data.



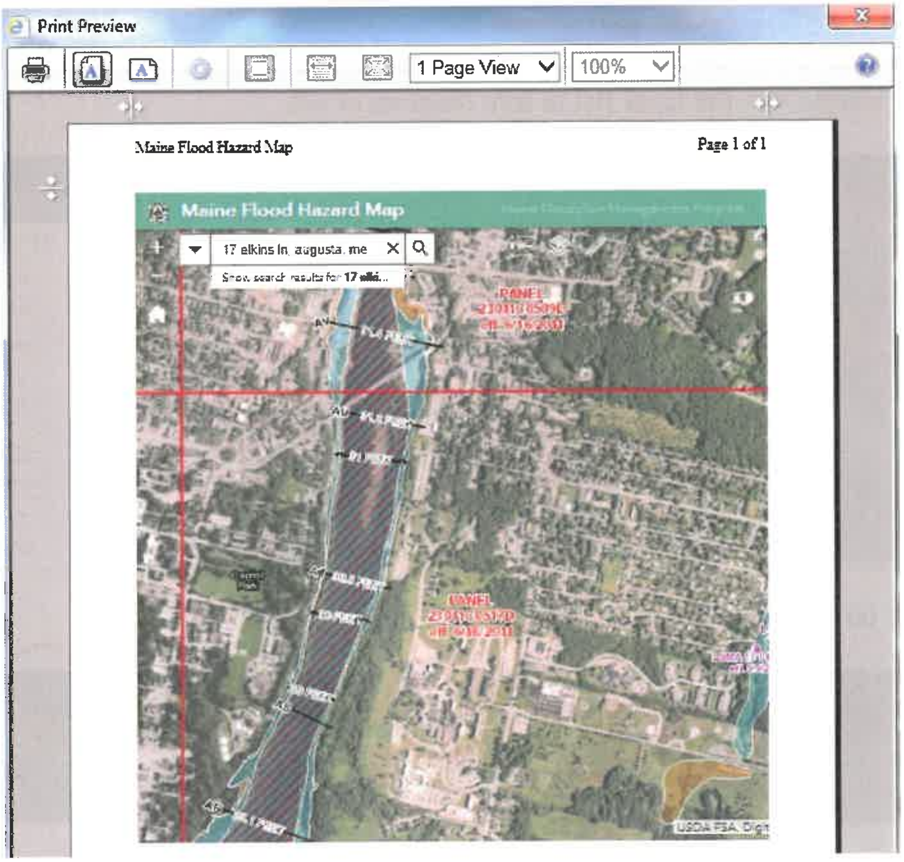
- Multiple layers may visible, use the layer list to turn them on or off.

8. To print a map, click on the printer icon in the banner.

- The print options open.
- Enter the map name.
- The layout page size and the format can be changed.
- Then hit Print.



- The map is automatically generated. Save or print.



<u>Caveats</u>

- ALWAYS CONFIRM WITH THE OFFICIAL FLOOD INSURANCE RATE MAP! This viewer does not take the place of the official FIRM. Always get the current FIRM.
- Q3 data is approximate and incomplete.
- At the edge of a county, overlapping county labels may cause confusion.
- Call us if there are any problems with the map. Occasionally background map changes and busy internet traffic will prohibit the proper use of the mapper.

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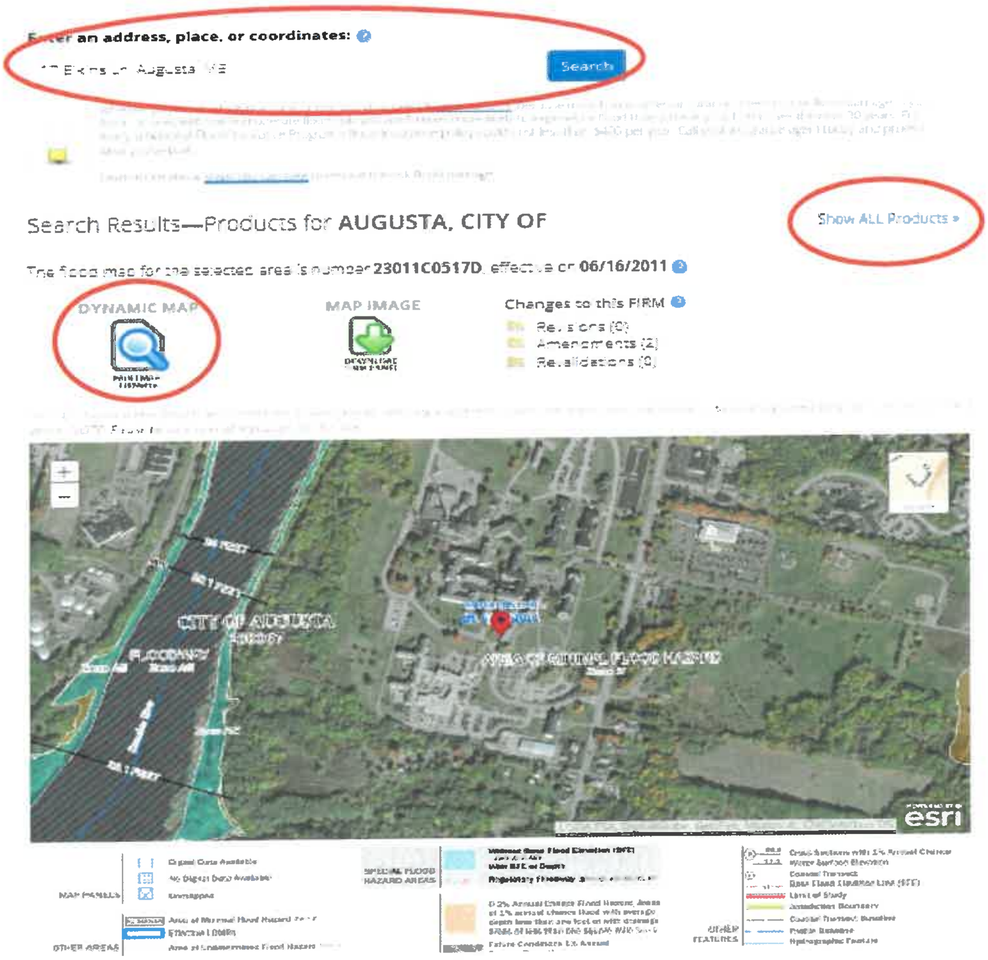
Navigating the FEMA Map Service Center May 5, 2023

The FEMA Map Service Center provides:

- Flood Insurance Rate Maps – FIRM
- Flood Insurance Studies – FIS
- National Flood Hazard Layer – NFHL GIS database
- Preliminary Products
- Historic Products
- Letters of Map Change – LOMC, LOMA, LOMR

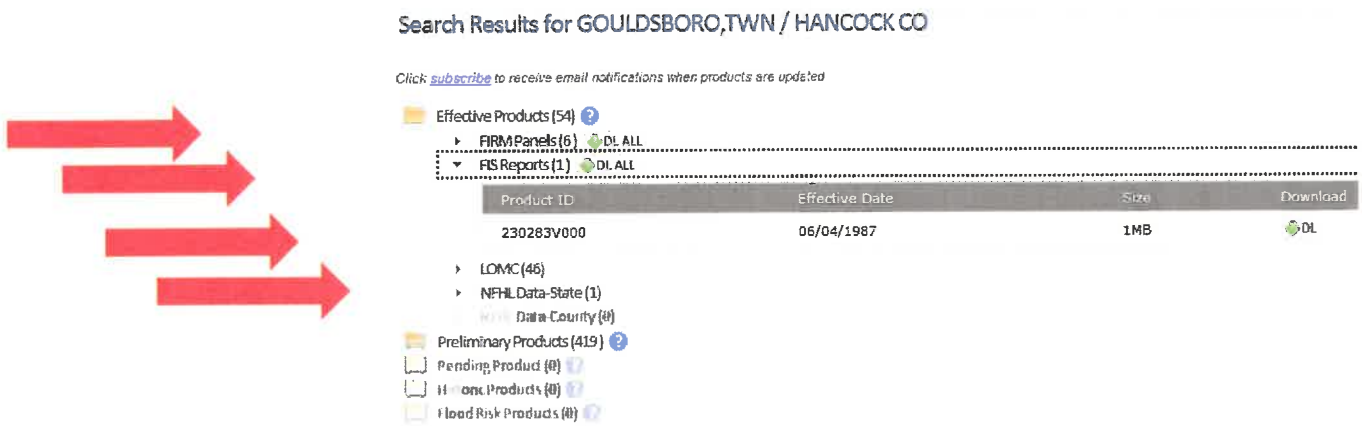
1. Go to the FEMA Map Service Center web site: https://msc.fema.gov/portal
2. Enter an address and click on the search button.



3. The page will open a map
   - Use the mouse wheel to scroll in or out, or click and drag to pan

- Click on a different map panel to select a different panel

4. Click on the Dynamic Map icon to view the FIRMette.
   - A different view will be displayed based on the type of map published.
   - To make a map, follow instructions How to Make a FIRMETTE.
5. Click on "Show all products" to see Effective Products – FIRM, FIS, LOMC, and NFHL Data
   - Click on the title to open a list of items to view or download



6. Preliminary Products include FIRM, FIS, and the GIS database
   - Note that the new format is by county, the FIS will be for the whole county
   - FIRMs will be by county, note the map panel or use the index