

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES

JULY 1997

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Sen. John M. Nutting

Sen. Jeffrey H. Butland

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

The law requires the Department of Environmental Protection and the State Planning Office to consult with municipalities that will be presumed to have capacity by January 1, 2003 to assist those municipalities in developing capacity. The law also requires the State Planning Office to review its municipal financial assistance program to ensure that the criteria considered by the office in making grants for local growth management programs are consistent with the criteria for a determination of municipal capacity.

LD 1513 **An Act to Change the Department of Environmental Protection's Regulatory Process from an Instruction-based Process to a Contractual Performance-based Approach** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	ONTP MAJ	
BUTLAND	OTP MIN	

LD 1513 proposed to require that all rules adopted by the Board of Environmental Protection on or after January 1, 1999 include performance-based criteria for compliance with those rules. The bill also proposed to require the Commissioner of Environmental Protection to study the implementation of performance-based environmental rules and to report by January 1, 1998 to the Joint Standing Committee on Natural Resources on the performance-based rules that would be adopted in 1999, the changes, if any, needed in the department's procedures to ensure effective monitoring and enforcement of performance-based rules, the costs or savings to the Department of Environmental Protection of those changes in procedure and a discussion of any state or federal laws that might limit the department's ability to fully implement performance-based environmental regulations.

LD 1531 **An Act Requiring Progress Reports for Mapping Significant Wildlife Habitat** **PUBLIC 230**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIAH	OTP-AM MAJ	H-275
	ONTP MIN	

LD 1531 proposed to require the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to jointly make an annual report to the joint standing committee of the Legislature having jurisdiction over natural resource matters on the progress of the mapping of significant wildlife habitats.

Committee Amendment "A" (H-275), the majority report of the Joint Standing Committee on Natural Resources, proposed to require that the report on the progress of the mapping of significant wildlife habitats be submitted to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters as well as the joint standing committee of the Legislature having jurisdiction over natural resource matters and that the report be submitted January 1, 1998 and on or before January 1st of every odd-numbered year thereafter.

Enacted law summary

Public Law 1997, chapter 230 requires the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to jointly report to the joint standing committee of the Legislature having jurisdiction

over natural resource matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on the progress of the mapping of significant wildlife habitats. The report is due on January 1, 1998 and on or before January 1st of every odd-numbered year thereafter.

LD 1554 **An Act to Eliminate Inconsistencies and Unnecessary Duplication** **PUBLIC 296**
Regarding the Training and Certification of Individuals Who
Enforce Land Use Regulations

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-418
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LD 1554 proposed to eliminate inconsistencies and unnecessary duplication between the Department of Human Services and the State Planning Office by consolidating at the State Planning Office responsibility to train and certify local plumbing inspectors and to certify individuals to enforce land use laws under the Maine Rules of Civil Procedure, Rule 80-K. This bill also proposed to authorize the State Planning Office to charge fees necessary to cover the costs of testing and training.

Committee Amendment "A" (H-418) proposed to make several technical changes to the bill. The amendment proposed to clarify that a municipality may employ a local plumbing inspector who has not yet been certified by the State Planning Office if the plumbing inspector receives temporary authorization from the Department of Human Services, Division of Health Engineering. Temporary authorization could be granted for a period not to exceed 12 months. The amendment also proposed to remove the authority granted in the bill to the State Planning Office to charge fees to cover the costs of training and certification of code enforcement officers.

Enacted law summary

Public Law 1997, chapter 296 eliminates inconsistencies and unnecessary duplication between the Department of Human Services and the State Planning Office by consolidating at the State Planning Office responsibility to train and certify local plumbing inspectors and to certify individuals to enforce land use laws under the Maine Rules of Civil Procedure, Rule 80-K. The law authorizes a municipality to employ a local plumbing inspector who has not yet been certified by the State Planning Office if the plumbing inspector receives temporary authorization from the Department of Human Services, Division of Health Engineering. Temporary authorization may be granted for a period not to exceed 12 months.

LD 1555 **An Act to Create the River Flow Advisory Commission within the** **PUBLIC 236**
Department of Defense and Veterans' Services

<u>Sponsor(s)</u> ROWE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-279
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LD 1555 proposed to create the River Flow Advisory Commission to advise the Governor and the Department of Defense and Veterans' Services on issues relating to the flow of the State's rivers and streams, to assist in communicating information and to administer the State's hydrologic monitoring program in cooperation with the United States Geological Survey. The bill also proposed to appropriate funds for the reimbursement to the United