

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Natural Resources*

*August 2005*

**Members:**

*Sen. Scott W. Cowger, Chair  
Sen. John L. Martin  
Sen. Lois A. Snowe-Mello*

*Rep. Theodore S. Koffman, Chair  
Rep. Joanne T. Twomey  
Rep. Thomas B. Saviello  
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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 considered by the committees. It is organized 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

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

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 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

## Joint Standing Committee on Natural Resources

LD 193

### An Act To Strengthen Wildlife Habitat Protection

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN COWGER	ONTP	

LD 193 proposed to eliminate the mapping requirements for 3 types of significant wildlife habitat: high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas; shorebird nesting, feeding and staging areas and seabird nesting islands; and significant vernal pools.

**LD 261**

### An Act Concerning Significant Wildlife Habitat and Wetlands of Special Significance

PUBLIC 116

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN PERRY J	OTP-AM	H-193

LD 261 proposed to add a clarification of "timber harvesting" within the definition of "forest management activities" to improve consistency between the natural resources protection laws and the Maine Revised Statutes, Title 12, section 8868. It also proposed to remove language in the definition of "significant wildlife habitat" in the natural resources protection laws that requires significant vernal pools to be identified in a specific location. Instead, significant vernal pool habitat would be required to meet specific criteria to be considered as "significant wildlife habitat." Criteria for identification of significant vernal pools and associated management areas were proposed to be established through rule.

The bill also proposed to add a limitation to the existing exemption for minor alterations in freshwater wetlands by providing that the exemption would not be available if the proposed activity would occur in a wetland containing a natural community that is critically imperiled, S1, or imperiled, S2, as defined by the Natural Areas Program, in a significant wildlife habitat or in a wetland area that is inundated with floodwater during a 100-year flood event.

**Committee Amendment "A" (H-193)** proposed to remove the requirement that significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas be mapped through a formal rule-making process. Instead, the habitats would be required to meet specific criteria adopted through major substantive rulemaking. For solely forest management activities, significant wildlife habitat would be mapped through formal rulemaking. The amendment also proposed to delete from the bill certain proposed limitations to the existing exemption for minor alterations in freshwater wetlands.

#### *Enacted law summary*

Public Law 2005, chapter 116 adds a definition of "timber harvesting" within the definition of "forest management activities" to improve consistency between the natural resources protection laws and the Maine Revised Statutes, Title 12, section 8868.

It adds a limitation to the existing exemption for minor alterations in freshwater wetlands by providing that the exemption would not be available if the proposed activity would occur in a significant wildlife habitat.

## Joint Standing Committee on Natural Resources

It removes the requirement that significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas be mapped through a formal rule-making process. Instead, the habitats must meet specific criteria adopted through major substantive rulemaking. For solely forest management activities, significant wildlife habitat must be mapped through formal rulemaking.

**LD 271**                      **An Act To Allow Counties To Recover the Cost of Cleaning Up Hazardous Spills**                      **PUBLIC 100**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER KOFFMAN	OTP-AM	S-87

LD 271 proposed to entitle counties to reimbursement for removal costs associated with prohibited discharges of hazardous materials.

**Committee Amendment "A" (S-87)** proposed to authorize a county, at the request of one or more municipalities, to sue for recovery on their behalf for removal costs associated with prohibited discharges of hazardous materials. It also proposed to provide for the recovery of legal costs and attorney's fees associated with the legal action.

### *Enacted law summary*

Public Law 2005, chapter 100 entitles counties to reimbursement for removal costs associated with prohibited discharges of hazardous materials. It authorizes a county, at the request of one or more municipalities, to sue for recovery on their behalf for removal costs associated with prohibited discharges of hazardous materials. It also provides for the recovery of legal costs and attorney's fees associated with the legal action.

**LD 286**                      **Resolve, Directing a Review of Comprehensive Planning and Growth Management in Maine**                      **RESOLVE 73**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM	H-476

LD 286 proposed to eliminate the State Planning Office within the Executive Department.

**Committee Amendment "A" (H-166)** proposed to replace the original bill. The amendment was the majority report of the State and Local Government Committee. It proposed to remove the option of a municipality or multimunicipal region that has not yet received a planning grant to submit its comprehensive plan to the Executive Department, State Planning Office for review; eliminate the process for a municipality or multimunicipal region to periodically revise its growth management program to account for changes; remove the responsibility of the State Planning Office to review comprehensive land use plans and growth management programs and issue certificates of consistency; remove the responsibility of the State Planning Office to review rate-of-growth, impact fee and zoning ordinances to determine whether they are consistent with a comprehensive plan; remove the need for a positive review of comprehensive plans by the State Planning Office for a