

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
Rep. Judd D. Thompson
Rep. Robert S. Duchesne
Rep. Jane E. Eberle
Rep. Robert A. Daigle
Rep. Henry L. Joy
Rep. James D. Annis
Rep. Kimberley C. Rosen*

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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 526

Resolve, Regarding the Recycling Assistance Fee

RESOLVE 35

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY NASS R	OTP-AM	H-314

LD 526 proposed to phase out the fee is imposed on the retail sale of new tires in the amount of \$1 per tire. It also proposed to repeal the fee beginning January 1, 2010.

Committee Amendment "A" (H-314) changed the title and replaced the bill with a resolve. The amendment proposed to require the Department of Environmental Protection to evaluate possible alternative funding mechanisms to the \$1 fee on the retail sale of new tires and to submit a report and recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 30, 2007.

Enacted law summary

Resolve 2005, chapter 35 requires the Department of Environmental Protection to evaluate possible alternative funding mechanisms to the \$1 fee on the retail sale of new tires and to submit a report and recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 30, 2007.

LD 577

An Act To Amend the Law Governing Rate of Growth Ordinances

ONTP

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

LD 577, a concept draft pursuant to Joint Rule 208, proposed to amend the current law governing rate of growth ordinances:

1. To require a town to demonstrate the need for a growth cap prior to adopting a rate of growth ordinance;
2. To establish a 3-year sunset for a rate of growth ordinance in a municipality; and
3. To require that growth areas identified in an approved comprehensive plan be exempt from the growth cap.

LD 582

An Act To Change the Effect of Local Ordinances on the State

ONTP

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

Joint Standing Committee on Natural Resources

LD 582 proposed to provide that a state agency must comply with zoning, subdivision and site plan review ordinances that the State Planning Office has determined are consistent with a comprehensive plan that the State Planning Office has found consistent with the provisions of the law governing growth management.

LD 597

An Act To Amend the Solid Waste Landfill Laws

PUBLIC 341

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY COWGER	OTP-AM	H-567

LD 597 proposed to require a public hearing for an increase in height of a landfill accepting special waste. It would specify that the applicant shall pay the Department of Environmental Protection's costs in processing the application. It also proposed to amend the law governing the joint citizen advisory committee for the West Old Town Landfill to include 2 representatives of the Penobscot Nation.

Committee Amendment "A" (H-567) proposed to require the Department of Environmental Protection to hold a hearing on or request the Board of Environmental Protection to assume jurisdiction of applications for a vertical increase in the approved final elevation of a commercial or state-owned solid waste disposal facility that accepts special waste upon request from 5 or more residents or abutting property owners in the municipality in which the proposed facility is located. It proposed to provide that testimony at such a hearing is limited to issues related to relevant standards of review under the solid waste laws. It proposed to clarify that expenses and costs incurred by the department in connection with the hearing must be paid for by the person applying for the license. It also proposed that the Penobscot Nation shall appoint one member of the joint citizen advisory committee for the West Old Town Landfill.

Enacted law summary

Public Law 2005, chapter 341 requires the Department of Environmental Protection to hold a hearing on or request the Board of Environmental Protection to assume jurisdiction of applications for a vertical increase in the approved final elevation of a commercial or state-owned solid waste disposal facility that accepts special waste upon request for a hearing from 5 or more residents or abutting property owners in the municipality in which the proposed facility is located. It provides that testimony at such a hearing is limited to issues related to relevant standards of review under the solid waste laws. It clarifies that expenses incurred by the department in connection with the hearing must be paid for by the person applying for the license. It also amends the law governing the joint citizen advisory committee for the West Old Town Landfill to include 1 representative of the Penobscot Nation.

LD 599

Resolve, Directing a Review of the Effects of Antifreeze, Engine Coolant and Aversive Agents on the Environment and Small Animals

RESOLVE 14

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	OTP-AM MAJ OTP-AM MIN	H-162