

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*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*

Staff:

Susan Z. Johannesman, Legislative Analyst

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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 599 proposed to require that engine coolant or antifreeze that contains more than 10% ethylene glycol or propylene glycol must include an aversive agent that makes it taste bitter so that it is rendered unpalatable, to reduce the risk of poisoning of household pets and other small animals.

Committee Amendment "A" (H-162), the majority report, proposed to direct the Department of Environmental Protection in cooperation with the Department of Health and Human Services, Bureau of Health and the Department of Agriculture, Food and Rural Resources to review the effects of antifreeze, engine coolant and aversive agents, including denatonium benzoate, on the environment and small animals. The proposed amendment would direct the Department of Environmental Protection to submit its findings to the Joint Standing Committee on Natural Resources by January 30, 2006 and would authorize the committee to report out legislation to the Second Regular Session of the 122nd Legislature.

Committee Amendment "B" (H-163), the minority report, proposed to delete the requirement in the bill that engine coolant or antifreeze that contains more than 10% propylene glycol must include an aversive agent. It proposed to add a limitation of liability for damage to the environment or natural resources or economic loss that results from the inclusion of an aversive agent. It also proposed to make the Act effective when at least 3 New England states, excluding Maine, have adopted similar laws. This amendment was not adopted.

Enacted law summary

Resolve 2005, chapter 14 directs the Department of Environmental Protection in cooperation with the Department of Health and Human Services, Bureau of Health and the Department of Agriculture, Food and Rural Resources to review the effects of antifreeze, engine coolant and aversive agents, including denatonium benzoate, on the environment and small animals. It also directs the Department of Environmental Protection to submit its findings to the Joint Standing Committee on Natural Resources by January 30, 2006 and authorizes the committee to report out legislation to the Second Regular Session of the 122nd Legislature.

LD 605 **An Act To Revise the Site Location of Development Laws** **ONTP**

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

LD 605 proposed to exempt campgrounds that exceed 30 acres in total acreage from the 3-acre maximum impervious surface area restriction in the site location of development laws. The bill would allow campgrounds that exceed 30 acres in total acreage to have impervious surfaces that do not exceed 10% of the total campground acreage.

LD 608 **An Act To Assist Municipal Implementation and Enforcement of Storm Water Management Programs** **PUBLIC 240**

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

Joint Standing Committee on Natural Resources

LD 608 proposed to ensure that the District Court and Superior Court have concurrent jurisdiction to hear enforcement actions brought by municipalities regarding violations of ordinances and ordinance provisions they are required to enact regarding nonstorm water discharges, construction site runoff and postconstruction storm water management. The proposed bill would add these ordinances to the list of environmental ordinances that the municipality may enforce using the land use enforcement mechanism, pursuant to the Maine Rules of Civil Procedure, Rule 80K, authorizing code enforcement officers to prosecute certain violations and by which a prevailing municipality may obtain a fine, injunctive relief or payment of attorney's fees, expert witness fees and costs from the violator if the municipality prevails.

Enacted law summary

Public Law 2005, chapter 240 provides that the District Court and Superior Court have concurrent jurisdiction to hear enforcement actions brought by municipalities regarding violations of ordinances and ordinance provisions they are required to enact regarding nonstorm water discharges, construction site runoff and postconstruction storm water management. It also adds these ordinances to the list of environmental ordinances that the municipality may enforce using the land use enforcement mechanism, pursuant to the Maine Rules of Civil Procedure, Rule 80K, authorizing code enforcement officers to prosecute certain violations and by which a prevailing municipality may obtain a fine, injunctive relief or payment of attorney's fees, expert witness fees and costs from the violator if the municipality prevails.

LD 615

An Act Regarding New Motor Vehicle Emission Standards

PUBLIC 245

Sponsor(s)
DAIGLE
MARTIN

Committee Report
OTP-AM

Amendments Adopted
H-337

LD 615 proposed to require legislative review before rules provisionally adopted by the Department of Environmental Protection, Board of Environmental Protection containing tailpipe emission standards for vehicles are adopted or in fact implemented.

Committee Amendment "A" (H-337) proposed to require the Department of Environmental Protection to annually evaluate whether the State should continue to implement and enforce the California standards for new motor vehicle emissions. The proposed amendment would also require the department to report on the evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters, and it would authorize the committee to report out legislation related to the evaluation. It also would strike language requiring a report from the Board of Environmental Protection in 2000, and it would strike language that makes rules regarding zero-emission vehicles major substantive rules.

Enacted law summary

Public Law 2005, chapter 245 requires the Department of Environmental Protection to annually evaluate whether the State should continue to implement and enforce the California standards for new motor vehicle emissions. It also requires the department to report on the evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters, and it authorizes the committee to report out legislation related to the evaluation. It also removes from statute language requiring a report from the Board of Environmental Protection in 2000, and it strikes language that makes rules regarding zero-emission vehicles major substantive rules.