

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 625 **Resolve, Regarding Legislative Review of Chapter 500:
Stormwater Management and Chapter 502: Direct Watersheds of
Lakes Most at Risk from New Development and Urban Impaired
Streams, Major Substantive Rules of the Department of
Environmental Protection** **RESOLVE 87
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-446

LD 625 proposed to provide for legislative review of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, major substantive rules of the Department of Environmental Protection.

Committee Amendment "A" (H-446) proposed to authorize the final adoption of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, which are major substantive rules of the Department of Environmental Protection, as long as certain enumerated changes are made to the rules.

Enacted law summary

Resolve 2005, chapter 87 authorizes the final adoption of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, which are major substantive rules of the Department of Environmental Protection, as long as certain enumerated changes are made to the rules.

Resolve 2005, chapter 87 was finally passed as an emergency measure effective June 3, 2005.

LD 635 **An Act To Amend the Maine Sanitary District Enabling Act** **CARRIED OVER**

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

LD 635 proposes to amend the Maine Sanitary District Enabling Act by setting guidelines for the establishment of decentralized community sanitary districts. LD 635 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

LD 643 **An Act To Authorize the Department of Environmental Protection
To Issue Emergency Permits for the Application of Herbicides and
Pesticides** **ONTP**

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

Joint Standing Committee on Natural Resources

LD 643 proposed to authorize the Department of Environmental Protection to issue emergency waste discharge licenses for the application of herbicides and pesticides to enable prompt response to an invasive aquatic plant infestation. The bill also proposed to direct the Board of Environmental Protection to adopt routine technical rules.

LD 648

An Act To Exempt Maine Agricultural Fairs from the Requirements of the Site Location of Development Laws

PUBLIC 217

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM MAJ	S-151
MILLETT	OTP-AM MIN	

LD 648 proposed to exempt development on agricultural fair property from the site location of development law if the use of that property is limited to certain uses.

Committee Amendment "A" (S-151), the majority report, proposed to exempt development on agricultural fair property from the site location of development laws if the property is not used for motorized racing for more than 14 days beyond the fair days, motorized racing is licensed by the State, use of the property beyond the fair days meets the noise standard of the site location of development law and the property has been identified in an agricultural fair license issued by the Department of Agriculture, Food and Rural Resources prior to September 15, 2006. The proposed amendment would direct the Department of Agriculture, Food and Rural Resources, in consultation with the Department of Environmental Protection, to develop a checklist of environmental issues and to distribute the checklist to applicants for an agricultural fair license. Under the proposed amendment, the applicant would be required to complete the checklist with the assistance of a soil and water conservation district. The amendment proposed to provide that the Department of Agriculture, Food and Rural Resources may not issue a license for an agricultural fair prior to receipt of the environmental checklist.

Committee Amendment "B" (S-152), the minority report, proposed to exempt development on agricultural fair property from the site location of development laws if the property is not used for motorized racing for more than 14 days beyond the fair days, motorized racing is licensed by the State and use of the property beyond the fair days meets the noise standard of the site location of development law. The proposed amendment would direct the Department of Agriculture, Food and Rural Resources, in consultation with the Department of Environmental Protection, to develop a checklist of environmental issues and to distribute the checklist to applicants for an agricultural fair license. Under the proposed amendment, the applicant would be required to complete the checklist with the assistance of a soil and water conservation district. The amendment proposed to provide that the Department of Agriculture, Food and Rural Resources may not issue a license for an agricultural fair prior to receipt of the environmental checklist. This amendment was not adopted.

Enacted law summary

Public Law 2005, chapter 217 exempts development on agricultural fair property from the site location of development laws if the property is not used for motorized racing for more than 14 days beyond the fair days, motorized racing is licensed by the State, use of the property beyond the fair days meets the noise standard of the site location of development law and the property has been identified in an agricultural fair license issued by the Department of Agriculture, Food and Rural Resources prior to September 15, 2006. The amendment also directs the Department of Agriculture, Food and Rural Resources, in consultation with the Department of Environmental Protection, to develop a checklist of environmental issues and to distribute the checklist to applicants for an