

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES**

July 2013

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STATE OF MAINE

126TH LEGISLATURE

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES.....House & Senate disagreed; legislation died
DIED IN CONCURRENCE.....defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX.....chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 126th Legislature is October 9, 2013. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Environment and Natural Resources

discharges of pesticides that may be approved under this bill are discharges that are:

1. Unintended and an incidental result of the spraying of pesticides;
2. Applied in compliance with federal labeling restrictions; and
3. Applied in compliance with statute, Board of Pesticides Control rules and best management practices.

LD 1483 An Act To Promote and Enhance State Policy To Preserve and Support Existing Methods of Disposal of Municipal Solid Waste CARRIED OVER

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

The purpose of this bill is to assist in the stabilization of the statutorily established solid waste management hierarchy, to promote and strengthen the waste management system in the State and to enhance the continued operation of the existing waste processing incineration facilities located in the State. This bill directs the Department of Environmental Protection to:

1. Impose on each licensed landfill a solid waste stabilization assessment on all solid waste, including, but not limited to, household and commercially sourced solid waste and all other material deposited at the licensed landfill;
2. Deposit solid waste stabilization assessment funds in a solid waste stabilization account within the Maine Solid Waste Management Fund;
3. Disburse the funds from the solid waste stabilization account through periodic payments to qualified municipalities and recycling and composting programs located in the State; and
4. Develop a process to maximize the use of existing incineration facilities in the State and increase the amount of Maine-sourced solid waste that is processed at those facilities annually and report its recommendations to the Joint Standing Committee on Energy, Utilities and Technology by January 1, 2014.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1490 An Act To Amend the Mandatory Shoreland Zoning Laws PUBLIC 320

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM OTP-AM ONTP	S-211

This bill makes the following changes to the laws governing mandatory shoreland zoning.

1. It changes the laws regulating the circumstances under which nonconforming structures in the shoreland zone may be expanded.
2. It changes the basis of measurement for the "height of a structure" from the downhill side of the structure to the uphill side of the structure.

Joint Standing Committee on Environment and Natural Resources

3. It provides for exemptions from the current law governing excavation activity in a shoreland zone.
4. It eliminates the requirement that a code enforcement officer report essential transactions to the Department of Environmental Protection.
5. It amends the standards governing clearing of vegetation to create consistency between the statutory provisions and rules and provides an exemption from certain standards for remediation activities in specific shoreland zoning districts.
6. It adds definitions of "agriculture" and "footprint" and changes other definitions.

Committee Amendment "A" (S-211)

This amendment is the majority report of the committee.

1. It strikes the change to the definition of "height of a structure" proposed in the bill.
2. It amends the definition of "structure" to exclude poles, wiring and other aerial equipment normally associated with telephone or electrical utility lines.
3. It amends the standards related to the clearing of vegetation in the laws governing shoreland zoning and provides exceptions to those standards.

Committee Amendment "B" (S-212)

This amendment is the minority report of the committee. This report differs from the majority report in that it does not strike the change to the definition of "height of a structure" that is proposed in the bill.

1. It amends the definition of "structure" to exclude poles, wiring and other aerial equipment normally associated with telephone or electrical utility lines.
2. It amends the standards related to the clearing of vegetation in the laws governing shoreland zoning and provides exceptions to those standards.

This amendment was not adopted.

Enacted Law Summary

Public Law 2013, chapter 320 makes the following changes to the laws governing mandatory shoreland zoning.

1. It changes the laws regulating the circumstances under which nonconforming structures in the shoreland zone may be expanded.
2. It provides for exemptions from the current law governing excavation activity in a shoreland zone.
3. It eliminates the requirement that a code enforcement officer report essential transactions to the Department of Environmental Protection.
4. It amends the standards governing clearing of vegetation to create consistency between the statutory provisions and rules and provides an exemption from certain standards for remediation activities in specific shoreland zoning districts.
5. It adds definitions of "agriculture" and "footprint" and changes other definitions.