

STATE OF MAINE 117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES JOINT STANDING COMMITTEE ON NATURAL RESOURCES

AUGUST 1995

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ONE HUNDRED AND SEVENTEENTH LEGISLATURE FIRST REGULAR SESSION

SUMMARY OF LEGISLATION BEFORE THE JOINT STANDING COMMITTEES

AUGUST 1995

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries. The publication, <u>History and Final Disposition of Legislative Documents</u>, is helpful in determining to which committee any particular bill was referred.

In this document, the committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various categories of final action are abbreviated as follows:

CARRIED OVER	Bill carried over to Second 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 ON ADJOURNMENT	Action incomplete when session ended; bill died
EMERGENCY	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT	Bill failed to get majority vote
FAILED MANDATE ENACTMENT	Bill imposing local mandate failed to get 2/3 vote
INDEF PP	Bill Indefinitely Postponed
ONTP	Ought Not to Pass report accepted
P&S XXX	Chapter # of enacted Private & Special Law
PUBLIC XXX	Chapter # of enacted Public Law
RESOLVE XXX	Chapter # of enacted Resolve
UNSIGNED	Not signed by Governor within 10 days
VETO SUSTAINED	Legislature failed to override Governor's Veto

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

LD 36 An Act to Amend the Motor Vehicle Emission Inspection Program to Extend the Period of Time Available for Repairs

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GREENLAW	ONTP /	

SUMMARY

This bill would have added recipients of social security benefits and retirement benefits to the list of people who have one year to repair their motor vehicles under the auto emissions testing program. The bill also would have allowed 180 days for repair of any motor vehicle.

LD 48 An Act to Repeal the Motor Vehicle Emission Inspection PUBLIC 50 Program

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LUTHER	OTP-AM	H - 143

SUMMARY

This bill repeals the Motor Vehicle Emission Inspection Program, immediately upon enactment.

COMMITTEE AMENDMENT "A" (H-143) adds allocation sections and a fiscal note to the bill.

See also LD 716. Both LD 716 and LD 48 repeal the auto emissions inspection program. LD 48, an emergency bill, provided for immediate repeal of the testing requirement (effective April 28, 1995); LD 716, a citizen-initiated bill, effective September 29, 1995 was enacted to alleviate the need to send the legislation to referendum in the fall.

LD 88 A	Act to Amend t	he Definition o	f Freshwater	Wetland	ONTP
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SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BEGLEY	ONTP	

SUMMARY

This bill would have changed the definition of freshwater wetland by basing the determination on depth and duration of water inundation of the soil rather than by what vegetation the area that is inundated or saturated supports.

See LD 1544.

LD % An Act to Limit Nuisance Actions and Noise Ordinances PUBLIC 231 Relating to Sport Shooting Ranges

SPONSOR(S)	COMMITTEE REPORT		AMENI	DMENTS ADOPTED
MORRISON	OTP-AM	MAJ	H-251	
	ONTP	MIN	H-274	GOULD

SUMMARY

This bill proposed to immunize owners of shooting ranges from civil and criminal prosecution for matters relating to noise or noise pollution at the shooting range, as long as the shooting range operated in compliance with noise control laws or ordinances in effect when the shooting range was constructed.

COMMITTEE AMENDMENT "A" (H-251) replaces the bill. It limits the applicability of municipal noise control ordinances by allowing existing sport shooting ranges to continue their regular level of activity regardless of newly enacted municipal noise control ordinances. This does not prevent the municipality from controlling noise created by new ranges or by an expansion of activity at the existing range.

The amendment also proposed to prohibit a person from suing a sport shooting range for nuisance unless there was a substantial change in use of the range.

HOUSE AMENDMENT "B" TO COMMITTEE AMENDMENT "A" (H-274) replaces the section of the amendment limiting nuisance actions against shooting ranges. This amendment provides that a person who acquires property near an existing shooting range may not sue the range for nuisance unless there is a substantial change in use of the range. In that case, the person must bring the action within 3 years of the change. If a shooting range was established before the effective date of this law, but after the person acquired the property, the person has 5 years from the date of establishment or 3 years from the date of a substantial change in use of the range to bring a nuisance action. There is no limit on nuisance actions against shooting ranges established after the effective date of this law. Resumption of shooting at a shooting range that has been dormant for a period of 3 years is considered establishment of a new range and the limitations on nuisance actions created by this law do not apply to such a resumption.

LD 99 An Act to Ensure the Protection of Tribal Fish Stocks and ONTP Other Natural Resources

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
KEANE	ONTP	

SUMMARY

This bill would have required the Board of Environmental Protection to ensure that the Passamaquoddy Tribe and the Penobscot Indian Nation are made aware of proposals that affect their fish stocks and other natural resources, to solicit input from the tribes about such proposals, and to ensure that the rights of individual tribal members, provided for under the Maine Indian Claims Settlement, are not diminished. Instead of approving the bill, the committee wrote a letter to DEP Commissioner Sullivan asking him to meet with representatives of the Passamaquoddy Tribe and the Penobscot Indian Nation and other interested parties to discuss interaction between the Maine Land Claims Settlement Act and the activities of the DEP.

LD 156 An Act to Require the Department of Environmental Protection ONTP to Pay Attorney's Fees in Court Cases where the Department Does Not Prevail

SPONSOR(S)	COMMITTE	E REPORT	AMENDMENTS ADOPTED	
HATHAWAY	ONTP	MAJ		
	OTP-AM	MIN		

SUMMARY

This bill would have required the Department of Environmental Protection to reimburse a party for reasonable attorney's fees if the Attorney General brought that party to court for violation of environmental laws and did not prevail.