

MAINE STATE LEGISLATURE

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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, History and Final Disposition of Legislative Documents, 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	<i>Bill carried over to Second Session</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
CONF CMTE UNABLE TO AGREE	<i>Committee of Conference unable to agree; bill died</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
DIED ON ADJOURNMENT	<i>Action incomplete when session ended; bill died</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
FAILED EMERGENCY ENACTMENT	<i>Emergency bill failed to get 2/3 vote</i>
FAILED ENACTMENT	<i>Bill failed to get majority vote</i>
FAILED MANDATE ENACTMENT	<i>Bill imposing local mandate failed to get 2/3 vote</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
ONTP	<i>Ought Not to Pass report accepted</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>

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

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)	COMMITTEE 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.