

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

Staff:

*Deborah C. Friedman, Legislative Analyst
Jon P. Clark, Legislative Analyst*

*Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670*

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**Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS**

State House Station 13, Augusta, Maine 04333
Telephone (207) 287-1670
Telecopier (207) 287-1275

**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

LD 1466 An Act to Create an Adopt-A-River Program

INDEF PP

SPONSOR(S)
MARTIN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED

SUMMARY

This bill would have established the Maine Adopt-A-River Program, which would have been a volunteer program to remove litter from state rivers, administered by the Bureau of Parks and Recreation.

LD 1485 An Act to Clarify the Definition of Subdivision

ONTP

SPONSOR(S)
GOULD

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have amended the definition of "subdivision" in the laws governing municipal planning and land use regulation to provide that a subdivision is created when a legal interest is split off of a tract or parcel of land and 2 noncontiguous portions of the tract or parcel remain.

LD 1543 An Act to Avoid a Shortfall in the Maine Ground Water Oil Clean-up Fund and Amend the Financial Assistance Program for Owners of Underground Oil Storage Facilities

INDEF PP

SPONSOR(S)
RUHLIN

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

This bill would have amended the law governing revenue to, and disbursements from, the Ground Water Oil Clean-up Fund. The bill was indefinitely postponed in the Senate before being referred to committee because it was determined that the bill was a revenue raising measure, and as such is required by the state Constitution to originate in the House of Representatives.

See LD 1563, which is identical to LD 1543, but which originated in the House.

LD 1544 An Act to Streamline Permit Procedures for Freshwater Wetlands in the State

PUBLIC 460

SPONSOR(S)
LORD
GOULD

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-336

SUMMARY

The purpose of this bill is to provide applicants in this State with "one-stop shopping" for wetlands permits.

This bill completely rewrites the State's freshwater wetlands regulatory program in an attempt to match the program with proposed changes to the federal program under Section 404 of the federal Clean Water Act.

The bill establishes a permit review process that allows for expedited review of 30 days or less for projects having a wetland impact of less than 15,000 square feet (Tier 1) and of 60 days or less for projects having between 15,000 square feet and one acre of wetland impact (Tier 2), unless significant wetland functions would be affected. Applications for Tier 1 projects may be made on abbreviated

application forms and are not subject to wetland mitigation requirements.

The bill eliminates the 10-acre size requirement for isolated freshwater wetlands so that the state and federal programs are consistent with regard to wetlands jurisdiction. Under this bill, a wetland of any size is defined as a protected natural resource.

The bill eliminates the requirement for permits due to alterations adjacent to freshwater wetlands, except for those with significant functions that could be negatively affected by such activity.

The bill adds to the list of types of "significant wildlife habitat" "significant vernal pools".

The bill proposed to exempt from regulatory review projects altering less than 500 square feet of freshwater wetland.

The bill changes the exemption for agricultural activities to be consistent with the federal exemptions for agriculture under Section 404 of the federal Clean Water Act.

COMMITTEE AMENDMENT "A" (S-336) replaces the bill. It makes many technical changes to the bill to clarify the intent and scope of the bill. This amendment preserves the substance of the bill, which completely overhauls wetland regulation under the natural resources protection laws. The amendment preserves the bill's 3-tiered permitting process for wetlands alteration. The amendment, however, makes the following substantive modifications to the bill:

1. It creates an exemption from the natural resources protection laws for projects that alter less than 4,300 square feet of wetland unless the projects occur in a shoreland zone regulated by a municipality under shoreland zoning laws or occur in another protected natural resource;
2. It creates an exemption from the natural resources protection laws for clearing of vegetation in freshwater wetlands associated with telephone and electric service drops;
3. It expands the exemption from wetlands regulation for agricultural activities to include clearing of vegetation for agricultural purposes;
4. It requires the Department of Environmental Protection to notify applicants for Tier 1 or Tier 2 review whether certain types of sensitive wetland areas are located in the project area that make the project ineligible for Tier 1 or Tier 2 review. If the department fails to notify the applicant, the project is deemed to be qualified for Tier 1 or Tier 2 review;
5. It requires the Department of Environmental Protection to respond in writing within 60 days of the receipt of a complete application under Tier 2 review. If the department fails to respond in 60 days, a permit is deemed to be granted;
6. It requires the Department of Environmental Protection to provide 2 reports on the success of the new wetlands regulatory scheme to the joint standing committee of the Legislature having jurisdiction over natural resource matters. The first report is due February 1, 1997; the 2nd report is due January 1, 1998. The department is also required to supply to the committee by January 1, 1996 copies of all rules adopted on wetland regulation, including rules regarding mitigation requirements for wetland alteration;
7. It requires the Department of Environmental Protection to provide a report on the new wetlands regulation by February 1, 1996 that critiques the provisions of this bill and identifies any needed changes to the law;

8. It authorizes the joint standing committee of the Legislature having jurisdiction over natural resource matters to report out legislation on wetlands regulation to the Second Regular Session of the 117th Legislature or the First Regular Session of the 118th Legislature;
9. It specifies that floodplain wetlands are regulated under this new wetland regulatory scheme; and
10. It eliminates the buffer strip requirement for gravel pits located adjacent to freshwater wetlands that are not subject to licensing as adjacent activities under the general wetlands law.
11. It adds an allocation section and a fiscal note to the bill.

LD 1555 An Act to Amend the Emergency Planning and Community Right to Know Laws

PUBLIC 411

SPONSOR(S)
JACQUES

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-603

SUMMARY

This bill proposed to exempt transportation from the community right to know laws, provided that only toxics use reduction reports go to the Department of Environmental Protection, limited the amount of information required and deleted the requirement to provide shipping routes except for extremely hazardous materials. It also would have required the Maine Emergency Management Agency to apply for federal grants for training of local responders for hazardous materials emergencies or to reduce the amount of fees collected the following year for facility registrations and inventory by an amount equal to the grant that was available.

COMMITTEE AMENDMENT "A" (H-603) replaces the bill. The amendment repeals the requirement that the operator of a facility file a chemical inventory reporting form with the Department of Environmental Protection. It also specifies that the chemical inventory reporting form and fee may be filed at the same time as the registration fee if the inventory level for the current year can be projected to a reasonable degree of certainty.

LD 1563 An Act to Address a Shortfall in the Ground Water Oil Clean-up Fund and Change the Financial Assistance Program for Owners of Underground Oil Storage Facilities

PUBLIC 399
EMERGENCY

SPONSOR(S)
GOULD

COMMITTEE REPORT
OTP-AM MAJ
OTP-AM MIN

AMENDMENTS ADOPTED
H-610
S-345 CARPENTER

SUMMARY

This bill allows the Finance Authority of Maine to borrow funds for inclusion in the Underground Oil Storage Replacement Fund in anticipation of the assessment and transfer of oil transfer fees from the Ground Water Oil Clean-up Fund.

The bill clarifies that the Ground Water Oil Clean-up Fund may be used for costs incurred by the Department of Environmental Protection to abate threats to groundwater from the discharge of petroleum from aboveground storage tanks.

The bill authorizes the Fund Insurance Review Board to monitor and report income and disbursements from the Ground Water Oil Clean-up fund and to adjust fees within specified limits if the fund balance falls below \$3,000,000.