

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES**

JUNE 1996

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Sen. W. John Hathaway
Sen. Richard P. Ruhlin*

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. 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 handled by the joint standing committees. It is organized alphabetically 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. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located 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.

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:

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

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

Sponsors(s)Committee Report
OTP-AMAmendments Adopted
S-483

LD 1834 proposed to amend the section of law specifying when minor wetland alterations (alterations of fewer than 4,300 square feet of freshwater wetland) may be performed without a permit under the natural resources protection laws. It adds a requirement that, when those projects are performed without a permit, a 25-foot setback from other protected resources must be maintained and proper erosion control techniques must be used. It also adds a provision specifying that minor projects are not exempt from the permitting requirement if they are performed in wetlands protected by a shoreland zoning designation or in peat lands or wetlands with 20,000 square feet of open water or marsh. Current law requires a person to obtain a permit to conduct a project in land surrounding those areas, but seems to allow projects within the protected areas themselves without a permit.

The bill rewrites the entire subsection relating to minor alterations to improve clarity and to restate language providing that legally performed alterations before September 29, 1995 are not included in determining whether the project qualifies for the 4,300 square-foot exemption.

Finally, the bill proposed to add a provision exempting projects performed in constructed, or man-made, ponds from the permitting requirement.

Committee Amendment "A" (S-483) corrects a numerical error in the wetlands law enacted in the First Regular Session of the 117th Legislature, relating to the designation of imperiled and critically imperiled natural areas.

Enacted law summary

Public Law 1995, chapter 575 proposed to amend the section of law specifying when minor wetland alterations (alterations of fewer than 4,300 square feet of freshwater wetland) may be performed without a permit under the natural resources protection laws. It rewrites the entire section to improve clarity. It adds a requirement that, when those projects are performed without a permit, a 25-foot setback from other protected resources must be maintained and proper erosion control techniques must be used. It also adds a provision specifying that minor projects are not exempt from the permitting requirement if they are performed in wetlands protected by a shoreland zoning designation or in peat lands or wetlands with 20,000 square feet of open water or marsh. Current law requires a person to obtain a permit to conduct a project in land surrounding those areas, but seems to allow projects within the protected areas themselves without a permit.

The law also adds a provision exempting projects performed in constructed, or man-made, ponds from the permitting requirement.