

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.

The law also creates a separate article to regulate quarries, where rock is removed by underground blasting. The notification requirements and performance standards are the same as for borrow pits and other excavations described above. Additional standards are imposed on the blasting activities.

Rules relating to the variance standards and reclamation requirements are major substantive rules and the variance standard rules must be provisionally adopted by January 1, 1997. Variances are not available until March 1, 1997, except to those owners or operators who filed a notice of intent to comply prior to the effective date of this law.

LD 1858 **An Act Regarding Agricultural Irrigation Ponds**

PUBLIC 659
EMERGENCY

Sponsors(s)
KIEFFER
DONNELLY

Committee Report
OTP-AM

Amendments Adopted
S-531

LD 1858 proposed to establish a general permit under the Natural Resources Protection Act for alteration of a stream to construct an irrigation pond. The general permit would be deemed approved 30 days from the date an application was accepted for processing by the department, unless the applicant is notified that legal requirements have not been met. When eligibility criteria and specified standards are met, the general permit would replace the requirement for an individual permit under the Natural Resources Protection Act.

This bill also proposed to require the Department of Environmental Protection to report back to the joint standing committee of the Legislature having jurisdiction over natural resource matters concerning the effectiveness of the new general permit.

Committee Amendment "A" (S-531) proposed to add a provision to correct a technical error in the designation of imperiled natural communities and to add a provision to the bill to remove the 10-acre limit on the size of farm and fire ponds that are exempted from permitting under the site location of development laws.

Enacted law summary

Public Law 1995, chapter 659 establishes a general permit under the Natural Resources Protection Act for alteration of a stream to construct an irrigation pond. The general permit is deemed approved 30 days from the date an application is accepted for processing by the department, unless the applicant is notified that legal requirements have not been met. When eligibility criteria and specified standards are met, the general permit replaces the requirement for an individual permit under the Natural Resources Protection Act.

This law also requires the Department of Environmental Protection to report back to the joint standing committee of the Legislature having jurisdiction over natural resource matters concerning the effectiveness of the new general permit.

Finally, the law removes the 10-acre limit on the size of farm and fire ponds that are exempted from permitting under the site location of development laws.

Chapter 659 was enacted as an emergency measure effective April 10, 1996.