

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES

JULY 1997

MEMBERS:

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Sen. John M. Nutting

Sen. Jeffrey H. Butland

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Staff:

Amy B. Holland, Legislative Analyst

Patrick T. Norton, Principal Analyst

Office of Policy and Legal Analysis

Room 101/107/135, 13 State House Station

Augusta, ME 04333

(207)287-1670



Maine State Legislature

OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

**ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
August 1997**

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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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:

- CARRIED OVER*.....*Bill carried over to Second Regular 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 IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*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*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director

Offices Located in the State House, Rooms 101/107/135

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER NUTTING	OTP-AM	H-111

LD 258 proposed to authorize the Department of Environmental Protection to establish a program providing for compensation of unavoidable freshwater or coastal wetland losses due to a proposed activity. The department would be able to require an applicant to compensate for wetland losses through a specific project, purchase of mitigation bank credits or payment of a compensation fee. The bill also proposed to authorize the department or an organization authorized by the department to administer a dedicated account to fulfill the purposes of freshwater wetland restoration, enhancement, preservation and creation.

Committee Amendment "A" (H-111) proposed to clarify the wetlands compensation program that is authorized by the bill. The amendment proposed to prohibit the compensation of coastal wetland losses by the restoration, enhancement, creation or preservation of freshwater wetland functions or values. The amendment proposed to specify that a compensation project must be approved by the Department of Environmental Protection, and that approval must be based on the wetland management priorities identified for the watershed in which the project is located. The department would be prohibited from approving a project until the applicant has complied with all other applicable provisions of the natural resources protection laws.

The amendment also proposed to require that a compensation project be located in the same watershed as the wetlands affected by the activity unless the department determines, based on regional hydrological or ecological priorities, that there is a scientific justification to locate the project outside of the watershed.

The amendment also proposed to clarify that a mitigation bank must be consistent with all applicable federal rules and regulations.

The amendment proposed to require the department to develop a compensation fee program in consultation with the State Planning Office and other state and federal resource agencies.

The amendment also proposed to require the department to submit an annual report to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding the wetlands compensation program, and to submit to that committee on January 1, 2001 an evaluation of the effectiveness and efficiency of the compensation program.

The amendment proposed to repeal the statutory authorization for the wetlands compensation program October 15, 2001.

The amendment proposed to prohibit the department from approving a compensation project funded in whole or in part from compensation fees until the compensation fee program has been agreed to by federal resource agencies.

Finally, the amendment proposed to make a technical change to the allocation section.

Enacted law summary

Public Law 1997, chapter 101 authorizes the Department of Environmental Protection to establish a program providing for compensation of unavoidable freshwater or coastal wetland losses due to a proposed activity. The department may require an applicant to compensate for wetland losses through a specific project, purchase of mitigation bank credits or payment of a compensation fee. The law requires that a compensation project be located in the same watershed as the wetlands affected by the activity unless the department determines, based on regional hydrological or ecological priorities, that there is a scientific justification to locate the project outside of the watershed. Any compensation project must be approved by the department, and that approval must be based on the wetland management priorities identified for the watershed in which the project is located. The department is prohibited from approving a project until the applicant has complied with all other applicable provisions of the natural resources protection laws.

The law requires the department to develop a compensation fee program in consultation with the State Planning Office and other state and federal resource agencies. Any compensation fee must be paid into a wetlands compensation fund administered by the department or an organization authorized by the department and dedicated to the purposes of freshwater wetland restoration, enhancement, preservation and creation.

The law also requires the department to submit an annual report to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding the wetlands compensation program, and to submit to that committee on January 1, 2001 an evaluation of the effectiveness and efficiency of the compensation program.

The statutory authorization for the wetlands compensation program is repealed October 15, 2001.

LD 284

An Act to Continue the State's Dioxin Monitoring Program and Consolidate Reports to the Legislature

PUBLIC 179

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIAH NUTTING	OTP-AM	H-225

LD 284 proposed to provide for the continuation of dioxin monitoring in the State's waters through the year 2002.

Committee Amendment "A" (H-225) proposed to change the dates on which the Commissioner of Environmental Protection is required to report on the dioxin monitoring program and the surface water ambient toxics monitoring program to require that both reports be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters by March 31st of each year. The amendment also proposed to require that the report on the results of the dioxin monitoring program be included as part of the report on the surface water ambient toxics monitoring program.

The amendment proposed to impose a cap on the total fees that may be assessed by the commissioner on facilities for the costs of sample collection and analysis under the dioxin monitoring program at \$250,000 in any fiscal year. The amendment also proposed to change the title of the bill.

Enacted law summary