

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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Maine State Legislature

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**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

LD 908

An Act to Amend the Definition of the Term Subdivision in the Site Location of Development Laws

ONTP

Sponsor(s)
TRUE

Committee Report
ONTP

Amendments Adopted

LD 908 proposed to increase from 15 to 16 the number of lots into which a parcel larger than 30 acres may be divided before it is considered a subdivision for purposes of the site location of development laws.

LD 967

An Act to Clarify the Laws Relating to Backyard Burning

PUBLIC 512

Sponsor(s)
VOLENIK

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
H-392
S-408 MICHAUD

LD 967 proposed to prohibit the burning of solid waste. The bill proposed to exempt the following activities from the prohibition:

1. The burning of materials customarily burned in fireplaces, wood stoves, campfires and grills;
2. The burning of yard wastes or natural wood;
3. The incineration of solid waste at a regulated waste facility;
4. The burning of structures and solid or liquid fuels for the purpose of instruction and training of firefighters;
5. The burning in forest areas of brush, tree cuttings and slash;
6. Burning for the purposes of weed abatement; disease prevention or control; forest fire prevention or control; or agricultural, forestry or wildlife habitat management;
7. Burning that is necessary to abate imminent threats to public health, safety and welfare; and
8. Burning of waste in year-round island communities that are not connected to the mainland by bridge.

Committee Amendment "A" (H-392), the majority report of the Joint Standing Committee on Natural Resources, proposed to replace the bill. It proposed to authorize the Director of the Bureau of Forestry in the Department of Conservation to consider any prior convictions for violating the laws relating to out-of-door burning of trash. It also proposed to include municipal code enforcement officers in the list of persons authorized to demand the production of a permit by anyone engaged in out-of-door burning.

The amendment proposed to clarify that the burning of highly combustible trash is prohibited where curbside trash collection service that is operated or contracted by the municipality or that is required by municipal ordinance is available and will accept those materials and that the burning of certain other types of trash is prohibited in all areas. It also proposed to clarify that a permit is required for residential open burning of highly combustible trash

in open or enclosed incinerators in municipalities where municipal curbside trash collection service is not available or will not accept those materials.

The amendment also proposed to establish the Task Force to Study Backyard Burning and proposed to require the task force to submit a report to the Joint Standing Committee on Natural Resources no later than January 15, 1998. Finally, the amendment proposed to require the Department of Environmental Protection, in consultation with the Executive Department, State Planning Office and the Department of Conservation, Bureau of Forestry, to undertake an educational outreach program to inform the public about the health and environmental effects of backyard burning.

Senate Amendment "B" to Committee Amendment "A" (S-408) proposed to require the Department of Environmental Protection, rather than the Task Force to Study Backyard Burning, to conduct the study and proposed to change the reporting date to January 1, 1998.

Enacted law summary

Public Law 1997, chapter 512 authorizes the Director of the Bureau of Forestry in the Department of Conservation to consider any prior convictions for violating the laws relating to out-of-door burning of trash. It also includes municipal code enforcement officers in the list of persons authorized to demand the production of a permit by anyone engaged in out-of-door burning.

The law clarifies that the burning of highly combustible trash is prohibited where curbside trash collection service that is operated or contracted by the municipality or that is required by municipal ordinance is available and will accept those materials and that the burning of certain other types of trash is prohibited in all areas. It also clarifies that a permit is required for residential open burning of highly combustible trash in open or enclosed incinerators in municipalities where municipal curbside trash collection service is not available or will not accept those materials.

The law requires the Department of Environmental Protection to study issues related to backyard burning and to submit a report with findings and recommendations to the Joint Standing Committee on Natural Resources no later than January 1, 1998. The law also requires the Department of Environmental Protection, in consultation with the Executive Department, State Planning Office and the Department of Conservation, Bureau of Forestry, to undertake an educational outreach program to inform the public about the health and environmental effects of backyard burning.

See also LD 748.

LD 1019

An Act to Allow Foam Food and Beverage Containers in School Cafeterias under Certain Circumstances

PUBLIC 195

Sponsor(s)
KILKELLY

Committee Report
OTP-AM

Amendments Adopted
S-123

LD 1019 proposed to exempt a school or a school administrative district from the prohibition against serving food or beverages in a polystyrene foam plastic container.

Committee Amendment "A" (S-123) proposed to replace the title of the bill. It proposed to permit schools and school administrative districts to request a three-year waiver from the prohibition against serving food or beverages