

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:

Sen. Sharon Anglin Treat, Chair

Sen. John M. Nutting

Sen. Jeffrey H. Butland

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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:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular 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 IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</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>Bill held by Governor</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 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 1471

Resolve, Regarding Legislative Review of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality

RESOLVE 47

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-248
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LD 1471 proposed to authorize adoption of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

Committee Amendment "A" (S-248) proposed to remove the emergency preamble and emergency clause from the resolve.

Enacted law summary

Resolve 1997, chapter 47 authorizes final adoption of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

LD 1499

An Act to Prohibit the Use of Harmful Additives in Gasoline

ONTP

<u>Sponsor(s)</u> VEDRAL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1499 proposed to require the Department of Human Services, Bureau of Health to issue an order prohibiting the sale of gasoline with additives that have not been proven to be without long-term or short-term effects on public health.

LD 1503

An Act to Amend the Site Location of Development Laws

PUBLIC 485

<u>Sponsor(s)</u> SHIAH	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-609
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LD 1503 proposed to require that a town, before it can qualify to substitute its site law permit for a Department of Environmental Protection permit for subdivision review, have site law ordinances that require those subdivisions to be reviewed for impacts on fisheries and wildlife habitat, unusual natural areas and archaeological and historic sites in or adjacent to the subdivisions.

The bill also proposed to repeal the provision of law that creates an irrebuttable presumption that towns with a population over 2,500 have the capacity to conduct site law reviews after January 1, 2003.

The bill also proposed to require that the Department of Environmental Protection coordinate with the Department of Inland Fisheries and Wildlife to provide training to local planning boards and code enforcement officers on developing and implementing effective review and protection strategies. Towns that have already been registered to review those types of subdivisions would have until January 1, 2000 to choose whether to continue reviewing them or to forego that authority.

Committee Amendment "A" (H-609), the majority report of the Joint Standing Committee on Natural Resources, proposed to remove the emergency preamble and emergency clause from the bill. It proposed to require that the criteria for municipal capacity under the site location of development laws include a determination by the State Planning Office that the municipality has a comprehensive land use plan and land use ordinances or zoning ordinances that are consistent with the Maine Revised Statutes, Title 30-A, chapter 187 in providing for the protection of wildlife habitat, fisheries, unusual natural areas and archaeological and historic sites.

The amendment proposed to restore to the law language repealed in the bill creating a presumption that municipalities over a certain population threshold have the capacity to conduct site law reviews after January 1, 2003. The amendment proposed to raise the population threshold for presumed capacity from 2,500 to 5,000 and to strike the word "irrebuttable" from the provision creating the presumption of capacity.

The amendment also proposed to add a provision exempting certain modifications to developments from the site location of development laws if the initial developments were exempt and were reviewed by the municipality.

The amendment proposed to remove from the bill a requirement that the Department of Environmental Protection coordinate with the Department of Inland Fisheries and Wildlife to provide training to local planning boards and code enforcement officers on developing and implementing effective review and protection strategies and a requirement that the Department of Environmental Protection consult with towns that have already been registered to review subdivisions to ensure that they choose whether to continue reviewing them or to forgo that authority. The amendment proposed to require the Department of Environmental Protection and the State Planning Office to consult with municipalities that will be presumed to have capacity by January 1, 2003 to assist those municipalities in developing capacity. The amendment also proposed to require the State Planning Office to review its municipal financial assistance program to ensure that the criteria considered by the office in making grants for local growth management programs are consistent with the criteria for a determination of municipal capacity.

Enacted law summary

Public Law 1997, chapter 485 requires that the criteria for municipal capacity under the site location of development laws include a determination by the State Planning Office that the municipality has a comprehensive land use plan and land use ordinances or zoning ordinances that are consistent with the Maine Revised Statutes, Title 30-A, chapter 187 in providing for the protection of wildlife habitat, fisheries, unusual natural areas and archaeological and historic sites.

The law raises the population threshold from 2,500 to 5,000 for the presumption that municipalities have the capacity to conduct site law reviews after January 1, 2003. The law strikes the word "irrebuttable" from the provision creating the presumption of capacity.

The law exempts certain modifications to developments from the site location of development laws if the initial developments were exempt and were reviewed by the municipality.

The law requires the Department of Environmental Protection and the State Planning Office to consult with municipalities that will be presumed to have capacity by January 1, 2003 to assist those municipalities in developing capacity. The law also requires the State Planning Office to review its municipal financial assistance program to ensure that the criteria considered by the office in making grants for local growth management programs are consistent with the criteria for a determination of municipal capacity.

LD 1513 **An Act to Change the Department of Environmental Protection's Regulatory Process from an Instruction-based Process to a Contractual Performance-based Approach** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	ONTP MAJ	
BUTLAND	OTP MIN	

LD 1513 proposed to require that all rules adopted by the Board of Environmental Protection on or after January 1, 1999 include performance-based criteria for compliance with those rules. The bill also proposed to require the Commissioner of Environmental Protection to study the implementation of performance-based environmental rules and to report by January 1, 1998 to the Joint Standing Committee on Natural Resources on the performance-based rules that would be adopted in 1999, the changes, if any, needed in the department's procedures to ensure effective monitoring and enforcement of performance-based rules, the costs or savings to the Department of Environmental Protection of those changes in procedure and a discussion of any state or federal laws that might limit the department's ability to fully implement performance-based environmental regulations.

LD 1531 **An Act Requiring Progress Reports for Mapping Significant Wildlife Habitat** **PUBLIC 230**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIAH	OTP-AM MAJ	H-275
	ONTP MIN	

LD 1531 proposed to require the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to jointly make an annual report to the joint standing committee of the Legislature having jurisdiction over natural resource matters on the progress of the mapping of significant wildlife habitats.

Committee Amendment "A" (H-275), the majority report of the Joint Standing Committee on Natural Resources, proposed to require that the report on the progress of the mapping of significant wildlife habitats be submitted to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters as well as the joint standing committee of the Legislature having jurisdiction over natural resource matters and that the report be submitted January 1, 1998 and on or before January 1st of every odd-numbered year thereafter.

Enacted law summary

Public Law 1997, chapter 230 requires the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to jointly report to the joint standing committee of the Legislature having jurisdiction