

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

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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

Committee Amendment "A" (H-576), the majority report of the committee, proposed to remove the provision in the original bill that prohibits a local unit of government from banning private competition with a solid waste service provided by the governmental unit and the provision that prohibits a local unit of government from requiring industrial and commercial establishments and multifamily residences of eight or more units to use or pay user fees for solid waste services provided by the governmental unit. It also proposed to eliminate the provision in the original bill that allows the governmental unit to displace a private solid waste business within five years if it pays compensation.

The amendment proposed to revise the procedures for notice and hearing, contained in the original bill, that a political subdivision or quasi-municipal corporation or district must follow before displacing an existing private solid waste business operating within its jurisdiction. Finally, the amendment proposed to reduce the number of years' notice required by the original bill for a local governmental unit to displace a solid waste business from five years to 12 months.

This amendment was not adopted.

LD 1730 **An Act to Implement the Recommendations of the Great Pond Task Force CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COWGER		

LD 1730 proposes to implement the recommendations of the Great Ponds Task Force. The Great Pond Task Force is established under the Maine Revised Statutes, Title 38, section 1842-A.

The bill proposes to establish the Lakes Heritage Trust Fund in the Executive Department to protect, preserve and enhance the quality and value of the State's great ponds. The fund would be administered by the Land and Water Resources Council. The bill proposes to authorize the council to accept monetary contributions into the fund. The bill proposes that the fund would also be capitalized in part from two revenue sources proposed in the bill: a one-time registration fee for motorless watercraft and an annual \$10 water quality impact fee assessed on residential dwellings on lots within the watershed of a great pond.

The bill proposes to redefine "personal watercraft" to include jet propelled watercraft 14 feet or less in length.

The bill proposes to direct the Commissioner of Inland Fisheries and Wildlife to adopt rules governing the use, operation and type of watercraft that may be used on great ponds less than 200 acres in surface area and proposes to require the commissioner to consider potential wildlife impacts, environmental values, including noise, and the traditional uses of a water body when adopting rules governing the horsepower, use, operation or type of watercraft allowed on a water body.

The bill proposes to increase the registration fee for motorboats. The fee for the first motorboat registered by a person in a year would be increased from \$4 to \$15. The fee for each additional motorboat registered in that person's name in that year would remain at the current rate of \$4.

The bill proposes to create a new one-time registration fee for motorless watercraft by requiring a person to pay \$10 for each motorless canoe, kayak, sailboard, sailboat or rowboat.

The bill proposes to create a new recreational motorboat rental and leasing license. This license would be required after January 1998 for any person to engage in the business of renting or leasing a motorboat for recreational use on the inland waters of the State. The annual fee for this license would be \$50.

The bill proposes to prohibit a person from operating a motorboat on certain waters on Mt. Desert Island and from operating a motorboat within 1000 feet of the intake of a public drinking water supply.

The bill proposes to prohibit the operation of a personal watercraft without a safety sticker; leasing or renting a motorboat without a license; wake jumping by operators of personal watercraft; operating a motorboat without proper safety instruction; and operating an airmobile or other motorboat in excess of allowable noise limits.

The bill proposes to prohibit the use of personal watercraft on great ponds located wholly within the unorganized territories except as provided in rules adopted by the Commissioner of Inland Fisheries and Wildlife. The bill also proposes to allow the commissioner a two-year period to adopt rules governing the use and operation of personal watercraft on great ponds less than 200 acres in the organized areas. On and after June 1, 1999, the use of personal watercraft on those great ponds would be prohibited unless the commissioner has adopted rules prior to that date specifying the use and operation of personal watercraft on those waters. Great ponds within the jurisdiction of the Maine Tribal-State Commission would be temporarily exempted from the prohibition until such time as the commissioner provides recommendations on the use of personal watercraft on great ponds to the Legislature.

The bill proposes to require the Commissioner of Inland Fisheries and Wildlife to establish a motorboat safety education program for persons from 12 to 16 years of age.

The bill proposes to limit the liability of a lake association from personal injury, property damage or death caused by the placement or maintenance by the association of navigational aid markers located and maintained under the provisions of a permit and in accordance with the State's marking system of waterways.

The bill proposes to change from \$2.20 per \$500 in value to \$2.42 per \$500 in value the transfer tax that applies to property located within the watershed of a great pond. The additional revenue generated by this tax is proposed to be targeted for watercraft enforcement, education and training and the protection and enhancement of water quality in Maine lakes.

The bill proposes to assess an annual \$10 water quality impact fee on each residential dwelling unit located within the watershed of a great pond. Revenues from this assessment are proposed to be targeted at education and training of code enforcement officers and for the Lakes Heritage Trust Fund.

The bill proposes to increase from 200 to 1,000 feet the allowable radius of the protection zone around intakes of public drinking water supplies.

This bill has been carried over to the Second Regular Session of the 118th Legislature.

See also LD 416, which was referred to the Joint Standing Committee on Inland Fisheries and Wildlife and LD 1217, which was amended to establish the Lakes Heritage Trust Fund in the Executive Department to protect, preserve and enhance the quality and value of the State's lakes and great ponds. The fund is administered by the Land and Water Resources Council.