

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES

MAY 1998

MEMBERS:

Sen. Sharon Anglin Treat, Chair

Sen. John M. Nutting

Sen. Jeffrey H. Butland

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

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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:

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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COLWELL	OTP-AM	S-579 S-742 MICHAUD

LD 2247 proposed to provide the opportunity for municipalities considering taking over abandoned dams to petition the Department of Environmental Protection for a 180-day extension of time to complete their review of and arrangements for a takeover. It proposed to authorize, to the extent existing resources may be available, the State Planning Office to provide assistance when a takeover involves 3 or more municipalities.

Committee Amendment "A" (S-579) proposed to add a clarification to the proposal in the bill to allow a municipality to apply for an extension of the consultation period under the State's dam abandonment laws. The amendment proposed to clarify that the municipality must be one in which the dam is located. The purpose of the consultation period would be to provide time to find a new owner for a dam. The amendment also proposed to provide that the consultation period may not be extended for more than 180 days.

The amendment also proposed to require a report by the dam owner within 180 days of filing an abandonment petition that describes compliance with notice provisions. It also proposed to require a report by the dam owner within 180 days of filing, or before the end of an extension to the consultation process, describing the people who were consulted and the results of the process.

The amendment also proposed to allow the State Planning Office to provide technical assistance and grants to municipalities or regional planning organizations when municipalities are seeking ownership of a dam.

The amendment also proposed to provide an appropriation for payments to the Gardiner Water District in the event a municipality seeks an extension of the consultation period regarding the district's existing petition to abandon the New Mills Dam. The payments would be \$750 for each month the extension is in effect as partial payment for the cost of maintaining the New Mills Dam.

The amendment proposed to add a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-742) proposed to eliminate the General Fund appropriation to the Department of Environmental Protection and the provision that required that appropriation.

Enacted law summary

Public Law 1997, chapter 789 provides the opportunity for municipalities in which a dam is located and that is considering taking over ownership of that dam to petition the Department of Environmental Protection for a 180-day extension of time to complete an agreement for a takeover. The law specifies that the consultation period relating to dam ownership may not be extended for more than 180 days. The law requires a report by the dam owner seeking release from dam ownership within 180 days of filing an abandonment petition, or before the end of an extension to the consultation process, describing the people who were consulted and the results of the consultation process.

The law also authorizes, to the extent existing resources are available, the State Planning Office to provide technical assistance and grants to municipalities or regional planning organizations when municipalities are seeking ownership of a dam. Chapter 789 was enacted as an emergency measure effective April 16, 1998.

LD 2262 **An Act to Allow the Department of Environmental Protection to Process an Application by the Ivan Davis Family for a Hydropower Project at an Existing Dam on the St. George River** **ONTP**

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

LD 2262 proposed to direct the Department of Environmental Protection to process an application to be submitted by the Ivan Davis family for the development of a hydropower project for an existing dam on the St. George River in Liberty.

LD 2265 **An Act to Reduce Nonpoint Source Pollution from Existing Sources, Amend the Shoreland Zoning Laws and Amend the Site Location of Development Laws** **PUBLIC 748**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	H-1095

LD 2265 proposed to do the following.

1. It proposed to authorize the Maine Municipal Bond Bank to make loans from the clean water revolving loan fund to nonprofit organizations.
2. It proposed to restrict the use of fertilizer containing phosphorus on lawns and similar areas within a lake or pond watershed to 2 situations: during the initial establishment of a lawn or similar landscaped area or when a soil test indicates that phosphorus is needed to maintain healthy vegetation.
3. It proposed to extend the erosion and sedimentation control laws to projects conducted prior to July 1, 1997 that involved filling, displacing or exposing soil or other earthen materials. It proposed to require a property owner to take measures necessary to prevent unreasonable erosion beyond the project site or into a protected natural resource and to take adequate permanent stabilization measures and to maintain the site to prevent unreasonable erosion and sedimentation. These requirements would apply to property located in the watershed of a body of water most at risk from new development as of July 1, 2005 and to other property as of July 1, 2010.
4. It proposed to amend the mandatory shoreland zoning laws to require planning board approval of a written plan to mitigate nonpoint source pollution prior to a permit being issued for certain significant construction involving a structure that does not meet water setback requirements. The plan would need to provide for mitigation measures to be implemented and maintained, including stabilization to prevent erosion and sedimentation; establishment of visual screening; and modification of roofs, driveways and other nonvegetated surfaces to prevent concentrated flow of storm water runoff.