

# 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*

*Rep. G. Steven Rowe, Chair*

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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](http://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.

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<br>PIEH   | ONTP      MAJ<br>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<br>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.

5. It also proposed to amend the mandatory shoreland zoning laws to authorize a municipality to adopt an ordinance that permits the expansion of nonconforming structures using standards different from the current 30% expansion rule. It proposed to establish standards for such expansions, including floor area and height limits, and to authorize a municipality to permit an expansion with an extra 500 square feet of floor area if the principal structure is set back at least 50 feet and a well-distributed stand of trees extends at least 50 feet inland or a written plan to establish such a buffer is approved by the planning board. The bill also proposed to define "basement" for purposes of the mandatory shoreland zoning laws.
6. It proposed to require the Department of Environmental Protection to submit several reports, with varying due dates, to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the following topics: the implementation and maintenance of buffer strips along water resources, a program for identifying and upgrading substandard subsurface disposal systems and compliance with the erosion control laws. The bill also proposed to give the joint standing committee of the Legislature having jurisdiction over natural resources matters authority to report out legislation on these issues.

**Committee Amendment "A" (H-1095)** proposed to do the following.

1. It proposed to strike from the bill the section that would have authorized the Maine Municipal Bond Bank to make loans from the clean water revolving loan fund to nonprofit organizations.
2. It proposed to strike from the bill the section that would have restricted the use of fertilizer containing phosphorous on lawns and similar areas within a lake or pond watershed.
3. It proposed to provide that erosion and sedimentation prevention provisions apply to certain property in an organized area of the State subject to erosion of soil or sediment into a protected natural resource because of a human activity before July 1, 1997 involving filling, displacing or exposing soil or other earthen materials. The amendment proposed to require the property owner to take measures by certain dates to prevent unreasonable erosion of soil or sediment into a protected natural resource. The prevention provisions would apply on and after July 1, 2005 on property that is located in the watershed of a body of water most at risk as identified in the Department of Environmental Protection's storm water rules and that is subject to erosion of soil or sediment into a protected natural resource. The prevention provisions apply on and after July 1, 2010 on other property that is subject to erosion of soil or sediment into a protected natural resource. The erosion and sedimentation measures would not apply to agricultural fields. Forest management activities conducted in accordance with applicable standards of the Maine Land Use Regulation Commission would be deemed to comply with the erosion and sedimentation control provisions.
4. It proposed to strike from the bill a proposed mandatory shoreland zoning law requirement that a municipal planning board approve a written plan to mitigate nonpoint source pollution before the issuance of a permit for certain significant construction involving a structure that does not meet water setback requirements. It proposed to retain the provisions of the bill that amend the mandatory shoreland zoning laws to allow a municipality to adopt an ordinance that permits the expansion of nonconforming structures using standards different from the current 30% expansion rule. The amendment also proposed to add a requirement that the Department of Environmental Protection report by January 15, 2003 on how the environmental benefits of these measures compare with the 30% expansion rule.
5. It proposed to amend the site location of development laws by exempting certain development on former military bases from the traffic threshold that triggers a review of that development under the law. A

development given this exemption would be one that reuses a building and associated facilities on the former military base that was in existence on September 29, 1995.

6. It proposed to prohibit the study on nonpoint source pollution from addressing buffer strips on land used for agricultural or silvicultural purposes. It also proposed to require the study to evaluate the availability of nonphosphorous fertilizers for use on lawns and other domestic areas.

***Enacted law summary***

Public Law 1997, chapter 748 provides that erosion and sedimentation prevention provisions apply to certain property in an organized area of the State subject to erosion of soil or sediment into a protected natural resource because of a human activity before July 1, 1997 involving filling, displacing or exposing soil or other earthen materials. The prevention provisions apply on and after July 1, 2005 on property that is located in the watershed of a body of water most at risk as identified in the Department of Environmental Protection's storm water rules and that is subject to erosion of soil or sediment into a protected natural resource. The prevention provisions apply on and after July 1, 2010 on other property that is subject to erosion of soil or sediment into a protected natural resource.

The law amends the mandatory shoreland zoning laws to authorize a municipality to adopt an ordinance that permits the expansion of nonconforming structures using standards different from the current 30% expansion rule. It establishes standards for such expansions, including floor area and height limits, and authorizes a municipality to permit an expansion with an extra 500 square feet of floor area if the principal structure is set back at least 50 feet and a well-distributed stand of trees extends at least 50 feet inland or a written plan to establish such a buffer is approved by the planning board.

The law amends the site location of development laws to exempt certain development on former military bases from the traffic threshold that triggers a review of that development under the law. A development given this exemption is one that reuses a building and associated facilities on the former military base that was in existence on September 29, 1995.

The law requires the Department of Environmental Protection to submit several reports on nonpoint source pollution, erosion control and shoreland zoning.

**LD 2269**

**An Act to Reduce Mercury Use and Emissions**

**PUBLIC 722**

Sponsor(s)  
RUHLIN  
ROWE

Committee Report  
OTP-AM

Amendments Adopted  
S-643

LD 2269 proposed to make the following changes to the laws governing mercury use and emissions.

1. It proposed to amend the provisions of law governing the discharge of mercury by a person, firm, corporation or other legal entity that on January 1, 1971 was discharging mercury in connection with an industrial process by providing that after January 1, 2000 such a discharge must be less than one pound per year and after January 1, 2002 such a discharge must be less than 4.5 grams per year. These provisions would be repealed January 1, 2004. After January 1, 2004, the current general provision of law that prohibits the discharge of