

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES**

JULY 1999

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Staff:

Amy B. Holland, Legislative Analyst

David C. Webb, Esq., Legislative Analyst

Office of Policy and Legal Analysis

Room 101/107/135, 13 State House Station

Augusta, ME 04333

(207)287-1670



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

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
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
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 September 18, 1999.

LD 1049 proposed to repeal the enhanced inspection requirements for motor vehicles registered in Cumberland County, instead requiring those vehicles to meet the same inspection standards as vehicles registered in other counties in the State.

The bill also proposed to require the Chief of the State Police to provide reimbursement of the cost of any equipment purchased by an inspection station in Cumberland County to allow the station to provide an enhanced inspection.

LD 1080 **An Act to Direct State Capital Investments to Locally Designated Growth Areas** **CARRIED OVER**

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

LD 1080 proposes to define state growth-related capital investments and to direct them to locally designated growth areas as identified in local comprehensive plans or to areas with public sewer systems with the capacity to handle the development. Exceptions would be made for state investments required to remedy threats to public health and safety; to purchase lands for parks, open space and conservation; to assist natural resource-based industries and other activities that are typically located away from other development; to expand highways that meet national, state or regionwide needs; and for tourist and cultural facilities that rely on specific historic, natural or cultural resources. This bill was carried over to the Second Regular Session of the 119th Legislature.

LD 1082 **An Act to Reauthorize and Amend the Diesel-powered Motor Vehicle Emission Opacity Testing Program** **PUBLIC 356 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT ETNIER	OTP-AM	H-546 CAMERON S-184

LD 1082 proposed to reauthorize the diesel-powered motor vehicle emission opacity testing program scheduled for repeal on June 30, 1999. The bill also proposed to change the size of diesel-powered motor vehicles that are subject to program requirements and establish provisions governing penalties for failure to comply with opacity testing standards.

This bill was submitted on behalf of the Department of Environmental Protection.

Committee Amendment "A" (S-184) proposed to do the following.

1. It proposed to expand the Diesel-powered Motor Vehicle Emission Opacity Testing Program to noncommercial vehicles.
2. It proposed to give owners or operators of vehicles that violate operating standards for the first offense 30 days to make repairs to bring vehicles into compliance.
3. It proposed to increase the fine for the initial violation to \$250.
4. It proposed to expand the rule-making authority of the department to include procedures for enforcement of the opacity testing program.
5. It proposed to change the effective date of the penalty provisions to January 1, 2000.

House Amendment "A" to Committee Amendment "A" (H-546) presented on behalf of the Committee on Bills in the Second Reading, proposed to correctly indicate language being stricken from current law.

Enacted law summary

Public Law 1999, chapter 356 does the following:

1. It expands the Diesel-powered Motor Vehicle Emission Opacity Testing Program to noncommercial vehicles.
2. It gives owners or operators of vehicles that violate operating standards for the first offense 30 days to make repairs to bring vehicles into compliance.
3. It sets a \$250 fine for the initial violation, and a \$500 fine for subsequent violations.
4. It expands the rule-making authority of the department to include procedures for enforcement of the opacity testing program.

Chapter 356 was enacted as an emergency measure effective May 28, 1999. The effective date of the penalty provisions is January 1, 2000.

LD 1114 An Act to Permit Telescopes and Other Scientific Instruments to be ONTP
Shielded from the Weather

<u>Sponsor(s)</u> DAVIDSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1114 proposed to allow a municipality to adopt an ordinance under its shoreland zoning ordinances that permits the construction of a protective enclosure, such as a dome or cupola, as an addition to a legally existing structure if the addition extends the existing structure's height no more than 12 additional feet and has a maximum floor space of 100 square feet. The addition would have to be used exclusively to house and protect a telescope or other scientific instrument from adverse weather conditions.

LD 1160 An Act to Amend Certain Laws Administered by the Department of PUBLIC 243
Environmental Protection, Bureau of Land and Water Quality

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-278
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LD 1160 proposed to make a series of changes to the laws administered by the Department of Environmental Protection's Bureau of Land and Water Quality, as further described in the Enacted Law Summary.

This bill was submitted on behalf of the Department of Environmental Protection.

Committee Amendment "A" (H-278) proposed to make the following changes to the bill.

1. It proposed to strike an unnecessary cross-reference change from the bill.
2. It proposed to maintain the increases in the state share of costs for certain pollution abatement construction projects serving seasonal dwellings, but to strike the increase for seasonal dwellings whose owners have an annual income