

# 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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**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](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:

*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.

**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 Shielded from the Weather                      ONTP**

<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 Environmental Protection, Bureau of Land and Water Quality                      PUBLIC 243**

<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

above \$20,000. It also proposed to limit the increase in the state share of overboard discharge replacement projects that result in the removal of a seasonal residential overboard discharge to projects that the Commissioner of Marine Resources certifies as likely to result in the opening of a shellfish harvesting area.

3. It proposed to strike an inconsistent term from several places in the mandatory shoreland zoning laws.
4. It proposed to provide an exception to the existing prohibition on direct discharges of pollutants to Class AA, Class GPA and Class SA waters for storm water discharges in compliance with state and local requirements.
5. It proposed to amend the language authorizing an extension of the review period for cranberry cultivation permits and agricultural irrigation pond permits to authorize an extension only with the consent of the applicant. It also proposed to amend the language authorizing an extension of the review period for freshwater wetland permits to authorize an extension if a project requires more than one permit from the Department of Environmental Protection.
6. It proposed to further clarify provisions governing the municipal review of developments under the site location of development laws.
7. It proposed to extend the authority of the Joint Standing Committee on Natural Resources to report out legislation regarding buffer strips and substandard subsurface disposal systems to the Second Regular Session of the 119th Legislature.

#### ***Enacted law summary***

Public Law 1999, chapter 243 makes the following changes to the laws administered by the Department of Environmental Protection, Bureau of Land and Water Quality:

1. It allows the department to compound and assess adjustments to the fees that go into the Maine Environmental Protection Fund at intervals greater than one year and it increases the cap on special license and permit application fees from \$40,000 to \$75,000;
2. It increases the state share of certain pollution abatement construction projects serving seasonal dwellings and increases the state share of overboard discharge replacement projects that result in the removal of a seasonal residential overboard discharge and that the Commissioner of Marine Resources certifies as likely to result in the opening of a shellfish harvesting area;
3. It amends the mandatory shoreland zoning laws by replacing the word "shoreline" with the phrase "the normal high-water line or upland edge of a wetland" in the alternative expansion requirement and makes other references in those laws consistent with that term;
4. It provides an exception to the existing prohibition on direct discharges of pollutants to Class AA, Class GPA and Class SA waters for storm water discharges in compliance with state and local requirements;
5. It amends the natural resources protection laws by clarifying the definition of "permanent structure", authorizing an extension of the review period for certain permits issued under the natural resources protection laws in certain circumstances, and adding an additional eligibility criterion to the agricultural irrigation pond general permit provisions in the natural resources protection laws to provide that an agricultural irrigation pond may not be located in a river, stream or brook if it is determined by the Department of Environmental Protection at the site assessment that there is a practicable alternative water supply that would be less damaging to the environment;
6. It amends provisions concerning the establishment of water levels to provide that once a water level has been set on a lake or pond by the Commissioner of Environmental Protection, the commissioner does not have to hold another hearing to establish a new water level in response to a public petition unless there has been a substantial change in conditions since the original water level decision was made;

7. It clarifies provisions governing the municipal review of developments under the site location of development laws; and
8. It extends the authority of the Joint Standing Committee on Natural Resources to report out legislation regarding buffer strips and substandard subsurface disposal systems to the Second Regular Session of the 119th Legislature.

**LD 1170**

**An Act Concerning the Review of State Solid Waste Management Policies**

**PUBLIC 527  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B MARTIN	OTP-AM	H-550 MARTIN S-185 S-464 TREAT

LD 1170 proposed to expand the scope of the review policy that the State Planning Office must conduct when a state solid waste management and recycling plan is submitted for review.

**Committee Amendment "A" (S-185)** proposed to require the solid waste management task force to meet as determined appropriate by the State Planning Office, but at least once every 5 years, to review the state solid waste management policy and review the continued development and expansion of beneficial reuse and recycling. This amendment also proposed to require that membership in the task force include 5 Legislators from the Joint Standing Committee on Natural Resources, 2 Senators and 3 Representatives.

**House Amendment "A" (H-550)** proposed to change a date in the emergency preamble to the last business day of the year.

**Senate Amendment "A" to Committee Amendment "A" (S-464)** proposed to remove language that requires that membership on the solid waste management task force include Legislators from the joint standing committee of the Legislature having jurisdiction over natural resources matters. It proposed to require the task force to consult with members of the joint standing committee of the Legislature having jurisdiction over natural resources matters.

***Enacted law summary***

Public Law 1999, chapter 527 requires the solid waste management task force to meet as determined appropriate by the State Planning Office but at least once every 5 years to review the state solid waste management policy and review the continued development and expansion of beneficial reuse and recycling. It requires the task force to consult with members of the joint standing committee of the Legislature having jurisdiction over natural resources matters.

Chapter 527 was enacted as an emergency measure effective June 17, 1999.

**LD 1209**

**An Act Regarding Property Owners Whose Land Abuts a Solid or Special Waste Landfill**

**CARRIED OVER**

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

LD 1209 proposes to provide that persons who owned property abutting a landfill prior to the development of the landfill are entitled to receive 5% of the tipping fees as compensation for interference with the use and enjoyment of the