

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

MEMBERS:

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Sen. John M. Nutting

Sen. James D. Libby

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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).

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 1356

An Act to Allow Authorized Removal of a Beaver Dam Without a Permit

PUBLIC 148

<u>Sponsor(s)</u> SHERMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-212
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LD 1356 proposed to allow a game warden to authorize the removal of a beaver dam without needing a permit under the natural resources protection laws if the beaver dam, in the opinion of the warden, has caused or may cause damage to private property, including woods or existing private roads.

Committee Amendment "A" (H-212) proposed to remove the section from the bill that gives a game warden authority to approve the removal of a beaver dam, because game wardens have that authority under existing law. The amendment also proposed to clarify that a person who removes a beaver dam as authorized by a game warden would be exempt from the requirement to get a permit under the natural resources protection laws only if the removal meets certain standards.

Enacted law summary

Public Law 1999, chapter 148 authorizes the removal of a beaver dam without a permit under the natural resources protection laws if the removal is authorized by a game warden and if the removal meets certain standards.

LD 1394

An Act to Limit the Idling Time for Diesel Motor Vehicles

ONTP

<u>Sponsor(s)</u> POWERS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1394 proposed to prohibit a person from idling a diesel bus or truck for more than five minutes, except under certain conditions.

LD 1395

Resolve, Establishing a Commission to Study the Future Use and Reclamation of Number One Pond in Sanford

ONTP

<u>Sponsor(s)</u> TUTTLE MACKINNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1395 proposed to establish an 11-member commission to study the environmental condition of Number One Pond in Sanford and adjacent public areas and to recommend steps necessary to clean up and restore the environment of the pond and surrounding lands.

LD 1454

An Act to Promote Ethanol Production as Alternative Fuel

PUBLIC 474

<u>Sponsor(s)</u> KNEELAND KIEFFER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-632
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LD 1454 proposed to establish the Agriculturally Derived Fuel Fund to promote the production and use of methanol and ethanol from agricultural biomass. The bill proposed to give the Finance Authority of Maine control of the fund. It also proposed to establish the Agricultural Products Utilization Commission as an advisory commission to the authority.

Committee Amendment "A" (H-632) proposed to add the Commissioner of Environmental Protection and a member appointed by that commissioner to the commission. The amendment also proposed to require annual reports to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over agriculture, food and rural resources matters.

Enacted law summary

Public Law 1999, chapter 474 establishes the Agriculturally Derived Fuel Fund to promote the production and use of methanol and ethanol from agricultural biomass. The Finance Authority of Maine is given control of the fund. It also establishes the Agricultural Products Utilization Commission as an advisory commission to the authority, and also requires the Commission to report to FAME on fuel and groundwater issues. It requires the Commission to provide annual reports to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over agriculture, food and rural resources matters.

LD 1455

An Act Regarding the Spreading of Sludge

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES LIBBY	ONTP	

LD 1455 proposed to amend the laws relating to sludge and other wastes in several ways. It proposed to require the Board of Environmental Protection to enforce rules necessary to govern waste management. It proposed to explicitly prohibit the Department of Environmental Protection from issuing a license for the land application of sludge that contained biomedical waste. It proposed to define the term "nuisance" for the purposes of the law relating to the licensing of waste facilities. It proposed to prohibit the department from issuing a license for a sludge land application site or storage facility that is within 1,000 feet of any abutting property boundary. Finally, it proposed to define the term "reasonable" for the purposes of the law authorizing municipalities to establish standards for solid waste facilities.

LD 1457

An Act to Decrease Restrictions on the Sale of Land

CARRIED OVER

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

LD 1457 proposes to permit a landowner to divide a tract or parcel of land into 3 lots within any 5-year period without creating a subdivision as that term is defined in the planning and land use regulation laws if the landowner has owned the parcel to be divided for a period of at least 5 years before the first dividing occurs and both dividings create, at the time of each dividing, a lot no larger than 140% of the minimum size lot on which a structure may be built pursuant to the applicable municipal ordinance. The bill proposes to make the change retroactive to a date 5 years prior to the effective date of the Act. This bill was carried over to the Second Regular Session of the 119th Legislature.