

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.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSTER FERGUSON	OTP-AM MAJ ONTP MIN	H-481

LD 1458 proposed to allow selective harvesting of up to 40% of the trees four inches or more in diameter over a 10-year period in resource protection zones around certain forested wetlands and in resource protection zones with slopes greater than 20%. The harvesting would have to leave a well-distributed stand of trees and other natural vegetation and could take place only when the ground is frozen.

Committee Amendment "A" (H-481), the majority report of the committee, proposed to give a municipality the option to allow timber harvesting in a resource protection zone abutting a great pond within a strip of land extending 75 feet inland from the normal high-water line, provided the harvesting is conducted only when the ground is frozen, there is no resultant soil disturbance, there is no entry into the strip by tracked or wheeled vehicles, no trees less than six inches in diameter are cut and no more than 30% of the trees six inches or more in diameter, measured at 4 1/2 feet above ground level, are cut in any 10-year period. The trees to be harvested would have to be marked by a licensed professional forester prior to a harvesting permit being issued by a municipality.

The amendment also proposed to increase the maximum penalty for a violation of shoreland zoning ordinances if the violation occurs in a resource protection zone.

Enacted law summary

Public Law 1999, chapter 370 gives a municipality the option to allow timber harvesting in a resource protection zone abutting a great pond within a strip of land extending 75 feet inland from the normal high-water line, provided the harvesting is conducted only when the ground is frozen, there is no resultant soil disturbance, there is no entry into the strip by tracked or wheeled vehicles, no trees less than six inches in diameter are cut and no more than 30% of the trees six inches or more in diameter, measured at 4 1/2 feet above ground level, are cut in any 10-year period. The trees to be harvested must be marked by a licensed professional forester prior to a harvesting permit being issued by a municipality.

The law also increases the maximum penalty for a violation of shoreland zoning ordinances if the violation occurs in a resource protection zone.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA DUPLESSIE		

LD 1506 proposes to direct the Department of Environmental Protection and the Department of Human Services to identify jointly all on-site peat sewage disposal systems installed since October 1, 1988 that have failed or are currently malfunctioning due to improper installation. The bill proposes to require the Department of Environmental Protection to reimburse the homeowners from within its existing budgeted resources for all costs associated with repairing or replacing the malfunctioning system.

The bill also proposes to require the Department of Human Services, Division of Health Engineering to provisionally adopt major substantive rules by January 31, 2000 that upgrade on-site peat sewage treatment systems from