

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

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

JULY 1999

MEMBERS:

Sen. Sharon Anglin Treat, Chair

Sen. John M. Nutting

Sen. James D. Libby

Rep. John L. Martin, Chair

Rep. Scott W. Cowger

Rep. Linda Rogers McKee

Rep. David M. Etnier

Rep. Joseph E. Clark

Rep. Robert W. Duplessie

Rep. Henry L. Joy

Rep. Robert A. Cameron

Rep. Robert A. Daigle

Rep. David L. Tobin

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.

<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

experimental status to general use status and that establish clear guidelines for installing such systems. This bill was carried over to the Second Regular Session of the 119th Legislature.

LD 1516

An Act Concerning Disposal of Solid Waste from Decommissioning Activities

**PUBLIC 366
EMERGENCY**

<u>Sponsor(s)</u> TREAT SHIAH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-285
-------------------------------------	-----------------------------------	------------------------------------

LD 1516 proposed to establish a permit requirement for disposal in this State of decommissioning materials from a nuclear power plant. The bill also proposed to require advance notice to any municipality in which decommissioning materials are proposed to be disposed of.

Committee Amendment "A" (S-285) proposed to replace the bill by requiring that municipalities be given advance notice of the amount, type and delivery schedule of decommissioning waste from closed nuclear power plants before it is disposed of within their boundaries. The amendment also proposed to extend the tenure of the Advisory Commission on Radioactive Waste and Decommissioning for another year. The amendment proposed to specify that reimbursements to the Department of Environmental Protection for decommissioning costs may not exceed \$50,000 per year. It also adds an emergency preamble, and an emergency clause to the bill.

Enacted law summary

Public Law 1999, chapter 366 requires that municipalities be given advance notice of the amount, type and delivery schedule of decommissioning waste from closed nuclear power plants before it is disposed of within their boundaries. The law also extends the tenure of the Advisory Commission on Radioactive Waste and Decommissioning for another year. The law specifies that reimbursements to the Department of Environmental Protection for decommissioning costs may not exceed \$50,000 per year.

Chapter 366 was enacted as an emergency measure effective June 1, 1999.

LD 1517

An Act Concerning Transportation of Radioactive Waste

ONTP

<u>Sponsor(s)</u> TREAT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
----------------------------	---------------------------------	---------------------------

LD 1517 proposed to require that a person shipping high-level radioactive waste out of the State have a permit issued by the Department of Environmental Protection.

LD 1519

An Act to Encourage Environmental Management Systems

CARRIED OVER

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

LD 1519 proposes to establish a state policy to encourage facilities to develop and implement environmental management systems that conform to international standards. The bill proposes to require the Commissioner of