

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*First Regular Session*

*Bill Summaries  
Joint Standing Committee  
on  
Natural Resources*

*August 2001*

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**120th Legislature**  
**First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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*  
*FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*..... *Emergency bill failed to get 2/3 vote*  
*FAILED ENACTMENT/FINAL PASSAGE*..... *Bill failed to get majority vote*  
*FAILED MANDATE ENACTMENT*..... *Bill imposing local mandate failed to get 2/3 vote*  
*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 21, 2001**.

*David E. Boulter, Director*  
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## Joint Standing Committee on Natural Resources

LD 560

An Act to Establish the Maine Cave Protection Act

PUBLIC 113

<u>Sponsor(s)</u> DESMOND		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-227
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LD 560 proposed to establish the Maine Cave Protection Act. It proposed to require a person to receive consent prior to excavating in a cave, to undertake investigations and explorations in a manner that will not impede the recovery of historic and scientific information, to limit the liability of cave owners and to classify the defacing or damaging of a cave as a Class E crime.

**Committee Amendment "A" (H-227)** proposed to clarify that recreational caving is a recreational or harvesting activity for the purposes of limited liability of landowners under the Maine Revised Statutes, Title 14, section 159-A. The amendment also proposed to change the penalty in the bill from a Class E crime to a civil violation and to allow a landowner to collect actual damages through a civil action from a person who intentionally damages or defaces a cave.

### *Enacted law summary*

Public Law 2001, chapter 113 establishes the Maine Cave Protection Act. It requires that a person receive consent prior to excavating in a cave and to undertake investigations and explorations in a manner that will not impede the recovery of historic and scientific information. This law clarifies that recreational caving is a recreational or harvesting activity for the purposes of limited liability of landowners under the Maine Revised Statutes, Title 14, section 159-A. Violations of the Maine Cave Protection Act are established as civil violations with provisions that also allow landowner to collect actual damages through a civil action from a person who intentionally damages or defaces a cave.

**LD 578**

**Resolve, to Assist Municipalities in Developing and Using Geographic Information Systems to Track Development and Promote Smart Growth**

**RESOLVE 23**

<u>Sponsor(s)</u> NASS GAGNON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-315
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LD 578 proposed to add a \$15 surcharge to the cost of recording deeds subject to the real estate transfer tax. Of revenues generated, less 10% to cover counties' cost of administering the surcharge, 25% would have been used by the Office of Geographic Information Systems, in coordination with the State Planning Office, to develop, coordinate and maintain a regionally based, coordinated geographic information system. The remaining 65% of surcharge revenues would have been disbursed by each county to its designated regional service provider to enhance the ability of regional councils and municipalities to develop and use geographic information systems technology and related tools to track patterns of development.

## Joint Standing Committee on Natural Resources

**Committee Amendment "A" (H-315)** replaced the original bill with a resolve. The amendment proposed to direct the State Planning Office to convene a steering committee to study and design a system that could be utilized for a variety of planning purposes. The amendment required the steering committee to submit a report to the Joint Standing Committee on Natural Resources by January 15, 2002 and authorized the Joint Standing Committee on Natural Resources to introduce legislation to the Second Regular Session of the 120th Legislature. It also added a fiscal note to the bill.

### *Enacted law summary*

Resolve 2001, chapter 23 directs the State Planning Office to convene a steering committee to study and design a statewide geographic information system that can be utilized for a variety of planning purposes. It requires the steering committee to submit a report to the Joint Standing Committee on Natural Resources by January 15, 2002 and authorizes the Joint Standing Committee on Natural Resources to introduce legislation to the Second Regular Session of the 120th Legislature.

**LD 584**

**An Act to Encourage Agricultural Development**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY MCKEE	ONTP	

LD 584 proposed to exempt agricultural projects smaller than 10 acres from the site location of development laws. The Board of Environmental Protection would have been directed to adopt routine technical rules to define what constitutes an agricultural project under the site location of development laws. In addition, the board would have been prohibited from adopting a definition of "agricultural project" without the prior approval of the Commissioner of Agriculture, Food and Rural Resources.

**LD 589**

**An Act to Amend the Invasive Aquatic Plants Laws**

**ONTP**

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

LD 589 proposed to make the following changes to the laws governing invasive aquatic plants to take effect immediately:

Establish authority and procedures for closure or relocation of state boat ramps and require the development of an integrated response plan

Amend the penalty provisions to remove the requirement to show intent, provide that only a warning may be issued prior to July 1, 2003 and change the forfeiture provisions to provide that a fine not to exceed \$1,500 could be adjudged for a violation occurring on or after July 1, 2003.