

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).

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

Maine, as adopted by the California Air Resources Board on March 23, 2000. It did however propose to allow for fine-tuning of the State's Stage II rule in the future to allow for adoption of minor elements of the California enhanced vapor recovery system, such as a swivel adaptor part, for use in current Stage II systems. The amendment also directed the Department of Environmental Protection to report back to the Joint Standing Committee on Natural Resources with an appropriate date for the repeal of this section. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 233 prohibits the Board of Environmental Protection from adopting rules to implement the California enhanced vapor recovery system in Maine, as adopted by the California Air Resources Board on March 23, 2000. It does, however, allow for fine-tuning of the State's Stage II rule to allow for adoption of minor elements of the California enhanced vapor recovery system, such as a swivel adaptor part, for use in current Stage II systems. It also directs the Department of Environmental Protection to report back to the Joint Standing Committee on Natural Resources with an appropriate date for the repeal of this prohibition.

LD 1278

An Act to Implement the Recommendations of the Task Force to Study Growth Management

**PUBLIC 359
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-563 COWGER S-139

LD 1278 proposed to implement the recommendations of the Task Force to Study Growth Management. It amended the definition of subdivision in the subdivision law; it appropriated funds for the development of a regionally based geographic information system for tracking patterns of development; it appropriated funds for grants for financial and technical assistance to municipalities for the preparation, updating and implementation of comprehensive plans; and it capitalized the Municipal Investment Trust Fund.

Committee Amendment "A" (S-139) proposed to delete the bill's proposed changes to the 40-acre lot exemption in the subdivision law. The amendment also provided that, under the subdivision law, a division accomplished by gift to a relative is not exempt from subdivision review if the consideration given is more than 1/2 of the assessed value of the real estate. It clarified that the authority of a municipality to expand the definition of subdivision is limited to the expansion currently specified in law. It deleted the proposed requirement regarding differing lot size or setback ordinances for subdivisions and nonsubdivisions. It deleted all appropriation sections of the bill.

House Amendment "A" to Committee Amendment "A" (H-410) proposed to remove proposed changes relating to the authority of a municipality to expand the definition of a subdivision. This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-537) proposed to add an emergency preamble and emergency clause to the bill. The amendment also proposed to repeal the law concerning the authority of a municipality to expand the definition of a subdivision as of October 1, 2002. The amendment clarified that a municipal ordinance enacted before this emergency legislation would not be invalidated by the legislation. The amendment also required the State Planning Office to study the status of municipal subdivision ordinances and to report to the Joint Standing Committee on Natural Resources before December 15, 2001. This amendment was not adopted.

Joint Standing Committee on Natural Resources

House Amendment "C" to Committee Amendment "A" (H-563) proposed to incorporate House Amendment "B" to Committee Amendment "A" with 2 exceptions. It eliminated the emergency preamble and emergency clause and it added a retroactivity section to the bill.

Enacted law summary

Public Law 2001, chapter 359 amends the subdivision law. It amends the definition of subdivision. It also provides that a municipality may not enact an ordinance that expands the definition of subdivision except as provided in the law and it repeals this provision as of October 1, 2002. Chapter 359 also requires the State Planning Office to study the status of municipal subdivision ordinances and to report to the Joint Standing Committee on Natural Resources before December 15, 2001. The joint standing committee is authorized to submit legislation to the Second Regular Session of the 120th Legislature based on that study. Chapter 359 applies retroactively to June 1, 2001.

LD 1290 **An Act to Conform New Motor Vehicle Emission Standards to Federal Emission Standards Adopted by the United States Environmental Protection Agency** **ONTP**

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

LD 1290 proposed to amend emission standards for new motor vehicles to make Maine's standards consistent with the latest federal standards. It required the Board of Environmental Protection within the Department of Environmental Protection to adopt the same standards as the United States Environmental Protection Agency in its most recent rulemaking, the "Tier 2" standards.

LD 1293 **An Act to Ban the Sale of Fever Thermometers that Contain Mercury** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL MARTIN	ONTP	

LD 1293 proposed to prohibit the sale or transfer of mercury fever thermometers.