

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
Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Natural Resources

LD 1477

**An Act to Amend Certain Laws Regarding Land and Water
Quality Protection**

PUBLIC 232

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-314
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LD 1477 makes many minor changes to statutes administered by the Department of Environmental Protection, Bureau of Land and Water Quality.

Committee Amendment "A" (H-314) proposes to change the make-up of the Maine Public Drinking Water Commission and to make several technical corrections to the bill.

Enacted law summary

Public Law 2001, chapter 232 makes the following changes to statutes administered by the Department of Environmental Protection, Bureau of Land and Water Quality:

1. It repeals a provision that prevents a cause of action by a riparian or littoral owner against a licensed discharger under certain circumstances;
2. It changes the date in the definition of "Code of Federal Regulations" to include amendments to that code effective on or before January 1, 2001;
3. It changes the date in the definition of "Federal Water Pollution Control Act" to include amendments to that Act effective on or before January 1, 2001;
4. It amends the definition of "person" to specifically include an association, a partnership and the agents and employees of the legal entities included in the definition;
5. It removes a requirement related to an initial report submitted several years ago and waives the reporting requirement when the program is not funded;
6. It removes an exemption from wastewater discharge licensing requirements for use of control material on invasive aquatic plants by the department or a person designated by the department;
7. It removes the cap of \$1,000,000 for total expenditures in any fiscal year for purposes of grants under the small community grant program;
8. It provides that any standard established by the department pursuant to the Maine Revised Statutes, Title 38, section 413 or 414-A with respect to cooling water discharges and applicable to point sources requires that the location, design, construction and capacity of cooling water intake structures reflect the best available technology for minimizing adverse environmental impacts;
9. It amends the definition of "publicly owned treatment works" to make it more consistent with the federal definition by adding a reference to sewer pipes leading to the treatment facility itself;

Joint Standing Committee on Natural Resources

10. It clarifies that a person needing a permit under the storm water management law must receive approval prior to beginning construction;
11. It deletes language in the section of the storm water management law referring to traffic permits, which the department no longer requires. It also adds language providing that a storm water permit is not required in a municipality with delegated authority under the site location of development law if the ordinances under which the project is reviewed are at least as stringent as the department's storm water standards, as determined by the department;
12. It clarifies that the Maine Land Use Regulation Commission, or LURC, may amend permits for projects in LURC jurisdiction that were previously issued by the department pursuant to the natural resources protection laws;
13. It corrects an apparent conflict between the Maine Revised Statutes, Title 38, section 480-E-1 and section 480-V. Currently, Title 38, section 480-E-1 provides that LURC issues all permits under the natural resources protection law, Title 38, chapter 3, subchapter I, article 5-A, for projects within its jurisdiction, using Title 12, sections 681 to 689 and rules and standards adopted under those sections. However, Title 38, section 480-V states that that article does not apply to certain protected natural resources within LURC jurisdiction. Under the bill, Title 38, chapter 3, subchapter I, article 5-A would apply statewide and LURC would continue to issue permits in LURC jurisdiction pursuant to Title 38, section 480-E-1;
14. It requires a 2nd report to the joint standing committee of the Legislature having jurisdiction over natural resources matters concerning the wetlands compensation program;
15. It changes the repeal date for the statutory section providing for a wetlands compensation program from October 15, 2001 to October 15, 2003;
16. It makes 3 changes to the site location of development law's exemption for roundwood and lumber storage yards. First, it clarifies that the phrase "erosion and sedimentation control standards and storm water standards contained in board rules" refers to rules adopted pursuant to the site location of development law. Second, it provides a fee for the processing of an application for a minor revision or transfer of the submitted notice of intent. Third, it deletes a reference to certain guidance documents;
17. It makes 2 changes to the site location of development law's exemptions for certain modifications in permitted subdivisions. The Maine Revised Statutes, Title 38, section 488, subsection 20 currently contains 3 separate exemptions. No change is proposed to the exemption Title 38, section 488, subsection 20 in paragraph A. The proposed amendment to Title 38, section 488, subsection 20, paragraph B adds a requirement, consistent with an existing requirement in Title 38, section 488, subsection 20, paragraph A, that the proposed activity not be contrary to the terms of the original permit. The bill repeals Title 38, section 488, subsection 20, paragraph C, which contains an exemption addressing relocation of septic systems; and
18. It reduces from 4 to 3 the number of members of the Maine Public Drinking Water Commission who represent public water systems and increases the number of public members from 2 to 3. The size of this commission remains at 8 members. An unallocated section reassigns 2 current members as necessary to accommodate the new categories.