

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Natural Resources*

May 2002

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120th Legislature
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

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 arranged alphabetically by committee name 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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

Patrick T. Norton, Interim Director
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Joint Standing Committee on Natural Resources

LD 1478

An Act to Amend Maine's Growth Management Law and Related Laws

ONTP

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

LD 1478, which was carried over from the First Regular Session, proposed to amend the growth management law and laws relating to growth management.

LD 1488

An Act to Require Major Water Users to Provide Public Information About Their Annual Water Withdrawals from Public Water Resources

PUBLIC 619

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT	OTP-AM	H-936

LD 1488, which was carried over from the First Regular Session, proposed to establish a system for obtaining information concerning the withdrawal of water from water sources in the State and providing this information to the public. It requires each person who makes a withdrawal of water from a water source in excess of either 20,000 gallons a month or 10,000 gallons in any one day to file a water withdrawal report with the Department of Environmental Protection.

Committee Amendment "A" (H-936) proposed to replace the bill. It also proposed to require annual water use reporting, beginning on December 1, 2003, by water users who use more than a specified threshold amount of water. A number of users are exempted from the reporting requirements, including dams and other nonconsumptive users, household users, public water systems, users who report water use under another state permit or licensing requirement, commercial or industrial storage ponds, off-stream and in-stream storage ponds and any water withdrawals made for fire suppression or other public emergency purposes. Users will report to either the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Human Services or the Department of Environmental Protection, depending on the user's type of activity. The Commissioners of those departments are required to publish a list by January 1, 2003 indicating which users are required to report to which agency. Each commissioner may prescribe the form and manner of reporting, and reporting water use in ranges, rather than in specific gallons, is allowed. The amendment specifies that individual water use reports are confidential documents and are not public records under the State's freedom of access laws.

The Department of Environmental Protection is charged with reporting annually on the water use reporting requirement to the joint standing committee of the Legislature having jurisdiction over natural resources matters. That department's report must summarize usage on a regional basis and in a manner that does not disclose the identity of any individual user. In preparing its annual reports, the department is required to encourage and assist in establishing regional task forces with cooperating agencies to assess regional water use issues and options for addressing those issues and to solicit input on all aspects of the water use reporting programs from the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation and the

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Commissioner of Human Services. The report must also include all comments and recommendations received from those departments on those requirements.

The amendment also proposed to require the Department of Environmental Protection to encourage and cooperate with state, regional or municipal agencies, boards or organizations in the development and adoption of regional or local water use policies that protect the environment from excessive drawdown of water sources during low-flow periods. The department shall encourage those entities, in developing those policies, to review previously adopted low-flow policies, such as those adopted by the Aroostook Water and Soil Management Board.

The amendment also proposed to direct the Board of Environmental Protection to adopt major substantive rules that establish water use standards for maintaining in-stream flows and GPA water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use. Water use standards must be based on the natural variation of flows and water levels and must allow for variances if use will still be protective of water quality within that classification. Those rules must be provisionally adopted by January 1, 2005 and submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters in the First Regular Session of the 122nd Legislature.

Enacted law summary

Public Law 2001, chapter 619, requires annual water use reporting, beginning on December 1, 2003, by water users who use more than a specified threshold amount of water. A number of users are exempted from the reporting requirements, including dams and other nonconsumptive users, household users, public water systems, users who report water use under another state permit or licensing requirement, commercial or industrial storage ponds, off-stream and in-stream storage ponds and any water withdrawals made for fire suppression or other public emergency purposes. Users will report to the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Human Services or the Department of Environmental Protection, depending on the user's type of activity. The Commissioners of those departments are required to publish a list by January 1, 2003 indicating which users are required to report to which agency. Each commissioner may prescribe the form and manner of reporting, and reporting water use in ranges, rather than in specific gallons, is allowed. The law specifies that individual water use reports are confidential documents and are not public records under the State's freedom of access laws.

The Department of Environmental Protection is charged with reporting annually on the water use reporting requirement to the joint standing committee of the Legislature having jurisdiction over natural resources matters. That department's report must summarize usage on a regional basis and in a manner that does not disclose the identity of any individual user. In preparing its annual reports, the department is required to encourage and assist in establishing regional task forces with cooperating agencies to assess regional water use issues and options for addressing those issues and to solicit input on all aspects of the water use reporting programs from the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation and the Commissioner of Human Services. The report must also include all comments and recommendations received from those departments on those requirements.

The law also requires the Department of Environmental Protection to encourage and cooperate with state, regional or municipal agencies, boards or organizations in the development and adoption of regional or local water use policies that protect the environment from excessive drawdown of water sources during low-flow periods. The department shall encourage those entities, in developing those policies, to review previously adopted low-flow policies, such as those adopted by the Aroostook Water and Soil Management Board.

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The law also directs the Board of Environmental Protection to adopt major substantive rules that establish water use standards for maintaining in-stream flows and GPA water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use. Water use standards must be based on the natural variation of flows and water levels and must allow for variances if use will still be protective of water quality within that classification. Those rules must be provisionally adopted by January 1, 2005 and submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters in the First Regular Session of the 122nd Legislature.

LD 1643 An Act to Provide Criteria for the Municipal Use of Rate of Growth Ordinances ONTP

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

LD 1643, which was carried over from the First Regular Session, proposed to outline the parameters within which a municipality could adopt a growth rate ordinance. Temporary growth rate ordinances could be enacted only to slow development while a community worked toward solving the problems necessitating the growth rate ordinance. A permanent growth rate ordinance could be enacted only as part of an integrated growth management strategy and also could be used in designated rural areas as a mechanism to guide growth within a community. The bill also proposed to clarify that a municipality with a comprehensive plan could implement a growth rate ordinance in its rural area only.

LD 1849 An Act Regarding the Deferment of Loan Repayments for Remediation of Waste Oil Sites PUBLIC 561

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-458

LD 1849 proposed to defer repayments of loans issued under the Plymouth waste oil loan program until the United States Environmental Protection Agency is reimbursed for its costs and all 3rd parties are reimbursed for their costs of performing the final remedy at the waste oil site.

Committee Amendment "A" (S-458) proposed to defer repayments of loans issued under the Plymouth waste oil loan program until the United States Environmental Protection Agency determines that construction of the final remedy is complete.

Enacted law summary

Public Law 2001, chapter 561 defers repayments of loans issued under the Plymouth waste oil loan program until the United States Environmental Protection Agency determines that construction of the final remedy is complete.