

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

related education program included in the bill, but clarifies that it is to be a one-time program that must be implemented within existing budgeted resources of the Department of Environmental Protection.

Enacted law summary

Public Law 2001, chapter 277 clarifies that the out-of-door burning of highly combustible trash is prohibited when municipal trash service is provided, not just in those towns having curbside trash collection services. This law also bans the out-of-door burning of construction and demolition debris containing plastics, rubber, styrofoam, metals, food wastes or chemicals and adds a state goal to reduce the release of dioxin and mercury to the environment. This law also authorizes a one-time dioxin-related education program that must be implemented within existing budgeted resources of the Department of Environmental Protection.

LD 1546 **An Act to Establish the Waste Motor Oil Disposal Site Remediation Program** **ONTP**

Sponsor(s)
MILLS

Committee Report
ONTP

Amendments Adopted

LD 1546 proposed to provide a financial mechanism for assisting with the cleanup of waste oil disposal sites located in Plymouth, Ellsworth and Casco, Maine. The bill authorized the Finance Authority of Maine to issue revenue obligation securities in amounts up to \$65,000,000 to fund those clean-up costs. The revenue obligation securities would be retired with funds derived from a 20¢ per quart premium on every quart of motor oil sold in the State at wholesale.

The State and instrumentalities of the State, including the Department of Transportation, the Department of Public Safety and counties and municipalities, were eligible to participate in the waste motor oil disposal site remediation program. The revenue obligation securities would have also covered the shares of those businesses that maintained or repaired motor vehicles between 1953 and 1981 or their successors in interest and that had waste motor oil deposited at one or more of the 3 sites. Any business that operated a fleet of 25 or more vehicles for which it performed its own maintenance and repairs and that contributed waste motor oil to one or more of the 3 sites would have been eligible for participation in the program. The United States Government and its instrumentalities would not have been eligible to participate in the program.

The 16-member Waste Motor Oil Revenue Board would have been created to oversee the process and make determinations as to eligibility for participation in the program.

LD 1559 **An Act to Amend the Zoning Laws Regarding Dimensional Variances** **ONTP**

Sponsor(s)
MUSE C

Committee Report
ONTP

Amendments Adopted

LD 1559 proposed to clarify that a dimensional variance under the "practical difficulty" standard was available for area variances in situations where the use pursued is permitted in the zoning district. The "practical difficulty"

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standard applied a balancing test, weighing the difficulty for the property owner in complying with the strict terms of the zoning ordinance against the detriment to the integrity of the zoning ordinance or the negative impact on the neighborhood if the variance was granted.

LD 1601 **An Act to Authorize the Construction of Public Trails in Shoreland Areas** **ONTP**

<u>Sponsor(s)</u> WATSON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1601 proposed to amend the shoreland zoning ordinance guidelines to provide for the construction of public pathways for recreational public nonmotorized uses such as biking, walking and skiing so long as those pathways met certain construction criteria.

LD 1643 **An Act to Provide Criteria for the Municipal Use of Rate of Growth CARRIED OVER Ordinances**

<u>Sponsor(s)</u> DAIGLE MARTIN	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1643 proposes to outline the parameters within which a municipality may adopt a growth rate ordinance. Under the proposal, temporary growth rate ordinances may be enacted only to slow development while a community works toward solving the problems necessitating the growth rate ordinance. A permanent growth rate ordinance may be enacted only as part of an integrated growth management strategy and also may be used in designated rural areas as a mechanism to guide growth within a community. The bill also proposes to clarify that a municipality with a comprehensive plan may implement a growth rate ordinance in its rural area only.

LD 1643 was carried over to the Second Regular Session.

LD 1665 **An Act to Further Reduce Mercury Emissions from Consumer Products** **PUBLIC 373**

<u>Sponsor(s)</u> DUPLESSIE MARTIN	<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN	<u>Amendments Adopted</u> H-417 H-471 COWGER S-247 MARTIN
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LD 1665 proposed to reduce the release of mercury into the environment from consumer products by:

1. Requiring manufacturers to notify the Department of Environmental Protection if they intend to distribute a mercury-added product in Maine;