

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

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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	ONTP	

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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE MARTIN		

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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE MARTIN	OTP-AM MAJ OTP-AM MIN	H-417 H-471 COWGER S-247 MARTIN

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;

Joint Standing Committee on Natural Resources

2. Requiring product manufacturers to provide information on mercury content to hospitals upon request;
3. It restricts the sale and distribution of certain mercury-added products, including fever thermometers and manometers used to measure vacuum in milking machines;
4. Restricting the sale and use of mercury and bans the use of mercury and mercury compounds in schools;
5. Requiring the Mercury Products Advisory Committee, as established under Public Law 1999, chapter 779, to report on whether and how manufacturers should be required to phase out the use of mercury in products;
6. Requiring the Department of Environmental Protection, in consultation with automobile manufacturers, dismantlers, recyclers and other interested parties, to report on whether and how automobile manufacturers should be required to phase out the use of mercury-added components;
7. Authorizing the Department of Environmental Protection to participate in a regional clearinghouse to coordinate the regulatory actions regarding mercury-added products; and
8. Repealing a section of a resolve requiring the Land and Water Resources Council to report annually on recommended mercury-reduction initiatives.

Committee Amendment "A" (H-417), the majority report of the Joint Standing Committee on Natural Resources, proposed to revise the manufacturer notification provision of the bill and to revise proposed requirements governing the sale or transfer of elemental mercury to exempt transactions for manufacturing or recycling purposes. The amendment also authorizes the handling of mercury thermometers in a manner consistent with standards applicable to universal waste under the United States Department of Environmental Protection's hazardous waste management rules.

House Amendment "A" (H-471) proposed that the disclosure requirements of the bill not apply to drugs that are approved by the United States Food and Drug Administration.

Senate Amendment "A" (S-247) proposed to remove the requirement to analyze each batch or lot of formulated products for mercury content and substituting a requirement to analyze the products at least annually.

Enacted law summary

Public Law 2001, chapter 373 reduces the release of mercury into the environment from consumer products.

LD 1666

An Act to Improve the Inspection and Maintenance of Underground Oil Storage Tanks

PUBLIC 231

Sponsor(s)
TOBIN D
MARTIN

Committee Report
OTP-AM

Amendments Adopted
H-316