

# 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](http://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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.

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## Joint Standing Committee on Natural Resources

**LD 2094**

### **An Act to Encourage Regionalism in Municipal Growth Management**

**PUBLIC 578**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-951
	ONTP MIN	

LD 2094 proposed to implement a recommendation of the Joint Study Committee to Study Growth Management. It proposed to amend the comprehensive planning and land use regulation laws to add and amend definitions, particularly those related to growth, rural and transitional areas. It also proposed to reinforce regional and municipal roles in growth management and more clearly enable multimunicipal planning efforts.

**Committee Amendment "A" (H-951)** proposed to remove the definition of "planning district" from the bill and replace that term throughout the bill with the words "municipality or multimunicipal region."

#### *Enacted law summary*

Public Law 2001, chapter 578 implements a recommendation of the Joint Study Committee to Study Growth Management. It amends the comprehensive planning and land use regulation laws to add and amend definitions, particularly those related to growth, rural and transitional areas. It reinforces regional and municipal roles in growth management and more clearly enables multimunicipal planning efforts. (See Public Law 2001, chapter 667, Part H, which corrected a conflict between chapter 578 and chapter 592.)

**LD 2095**

### **Resolve, Regarding Legislative Review of Portions of Chapter 10, Section 17(A)(2), (3) and (6), Standards for the Clearing of Vegetation for Development, Major Substantive Rules of the Maine Land Use Regulation Commission within the Department of Conservation**

**RESOLVE 98  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-919

LD 2095 proposed to provide for legislative review of portions of Chapter 10, Section 17(A)(2), (3) and (6), Standards for the Clearing of Vegetation for Development, a major substantive rule of the Maine Land Use Regulation Commission within the Department of Conservation.

**Committee Amendment "A" (H-919)** proposed to require the Maine Land Use Regulation Commission to amend its rules to make the minimum setbacks between mineral extraction activities and regulated water bodies within the jurisdiction of the Maine Land Use Regulation Commission the same as those established in laws and rules administered by the Department of Environmental Protection.

#### *Enacted law summary*

Resolve 2001, chapter 98 requires the Maine Land Use Regulation Commission to amend its rules to make the minimum setbacks between mineral extraction activities and regulated water bodies within the jurisdiction of the

## Joint Standing Committee on Natural Resources

Maine Land Use Regulation Commission the same as those established in laws and rules administered by the Department of Environmental Protection.

Resolve 2001, chapter 98 was finally passed as an emergency measure effective April 3, 2002.

**LD 2099**                      **An Act to Revise the Definition of Affordable Housing**                      **PUBLIC 673**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1075

LD 2099 proposed to implement a recommendation of the Joint Study Committee to Study Growth Management. It proposed to establish the State Affordable Neighborhood Development Review Board within the Maine State Housing Authority and establish standards for affordable neighborhood developments. It also amended the definition of affordable housing in the growth management laws.

**Committee Amendment "A" (H-939)** proposed to replace the bill. It proposed to establish the State Affordable Neighborhood Development Review Board within the Maine State Housing Authority and establish standards for affordable neighborhood development. The regulation of affordable neighborhood developments would have applied in municipalities that are part of a labor market area in which a median income household can not afford to purchase a median-priced home. This amendment was not adopted.

**Committee Amendment "B" (H-1075)** proposed to strike those portions of the bill that establish the State Affordable Neighborhood Development Review Board and that establish standards for affordable neighborhood developments. This amendment proposed to retain that portion of the bill that amends the definition of affordable housing in the growth management laws.

### *Enacted law summary*

Public Law 2001, chapter 673 amends the definition of affordable housing in the growth management laws.

**LD 2116**                      **An Act to Establish the Maine Library of Geographic Information**                      **PUBLIC 649**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ	H-952
	ONTP      MIN	S-552    GOLDTHWAIT

LD 2116 proposed to create the Maine Public Library of Geographic Information.

**Committee Amendment "A" (H-952)** proposed to require the Maine Public Library of Geographic Information Board to function in accordance with the Maine Administrative Procedure Act. It added as a purpose or duty of the board to develop appropriate internal services to facilitate access for and use of data by government agencies and the public. It provided that the library may not compete directly with private enterprise. It also replaced one member of the board who is responsible for overseeing GIS functions of a state department with the President of the Maine Science and Technology Foundation. The amendment also added a fiscal note to the bill.