

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries  
Joint Standing Committee  
on  
Natural Resources*

*July 2003*

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# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> Regular Session</i>
<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>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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
Offices located in Room 215 of the Cross Office Building

*Joint Standing Committee on Natural Resources*

**LD 395**

**An Act to Clarify the Use of Municipal Rate-of-growth Ordinances**

**ONTP**

<u>Sponsor(s)</u> SUSLOVIC		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 395 proposed to outline how a municipality may adopt a growth rate ordinance. The bill proposed that temporary growth rate ordinances could be enacted only to slow development while a community works toward solving the problems necessitating the growth rate ordinance. It also proposed that an ongoing 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 that applies only to designated rural areas.

**LD 443**

**An Act To List Agriculture as a Designated Use in Water Quality Standards**

**PUBLIC 227**

<u>Sponsor(s)</u> KNEELAND WOTTON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-106
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LD 443 proposed to add agriculture as a designated use in Maine's water quality standards. It also proposed to make technical changes.

**Committee Amendment "A" (S-106)** proposed to provide that the sections of the bill that add agriculture as a designated use in the State's water quality standards will take effect when the water use standards for maintaining in-stream flows are finally adopted.

***Enacted Law Summary***

Public Law 2003, chapter 227 adds agriculture as a designated use in Maine's water quality standards. This designation takes effect when the water use standards for maintaining in-stream flows are finally adopted.

**LD 491**

**An Act To Manage Water Resources**

**PUBLIC 121**

<u>Sponsor(s)</u> COLLINS MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-136
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LD 491 proposed to establish a permit procedure for withdrawals of groundwater or surface water in excess of 50,000 gallons per day. The bill proposed to allow the Department of Environmental Protection to impose reasonable conditions on the permit and to issue the permit only if the use is reasonable, any negative environmental impacts are mitigated and the use will not adversely affect other water supplies.

## *Joint Standing Committee on Natural Resources*

**Committee Amendment "A" (H-136)** proposed to replace the bill. It proposed to add a 4th standard of review for bulk water transport appeals submitted to the Department of Human Services. These standards are intended to protect public and private uses of Maine's groundwater and surface water resources. The new standard proposed to provide that, for a source that is not otherwise permitted by the Department of Environmental Protection, the water withdrawal must not adversely affect existing uses of groundwater or surface water resources. The amendment proposed to direct the Commissioner of Human Services to consult with the Department of Environmental Protection in addition to the Public Utilities Commission and the State Geologist regarding an appeal. Rules adopted by the Department of Human Services to implement the subsection are major substantive rules.

### ***Enacted Law Summary***

Public Law 2003, chapter 121 adds a 4th standard of review for bulk water transport appeals submitted to the Department of Human Services. These standards are intended to protect public and private uses of Maine's groundwater and surface water resources. The new standard provides that, for a source that is not otherwise permitted by the Department of Environmental Protection, the water withdrawal must not adversely affect existing uses of groundwater or surface water resources. The Commissioner of Human Services is directed to consult with the Department of Environmental Protection in addition to the Public Utilities Commission and the State Geologist regarding an appeal. Rules adopted by the Department of Human Services to implement the subsection are major substantive rules.

**LD 517**                      **An Act To Ensure Legislative Oversight of Major Environmental Policy Proposals**                      **ONTP**

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

LD 517 proposed to provide that any rule proposed by the Department of Environmental Protection that will be more stringent than a federal standard is subject to legislative review as a major substantive rule.

**LD 522**                      **An Act To Expand the Duties of the Community Preservation Advisory Committee**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUSLOVIC BROMLEY	ONTP	

LD 522 proposed to add 2 additional duties to the charge of the Community Preservation Advisory Committee. The proposal directed the committee to conduct a study of methods for redrawing county boundaries and to conduct a study of the structure of county commissions.