

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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Sen. W. Tom Sawyer, Jr.*

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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).

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 2nd 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 & 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&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 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 1016 **Resolve, Directing Certain State Agencies To Renegotiate an Agreement Regarding Dams on the Sebasticook River** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER GAGNON	ONTP	

LD 1016 proposed to require the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the State Planning Office within the Executive Department to renegotiate the 1998 Kennebec Hydro Developers Group Agreement to require fish passage at the Fort Halifax, Benton Falls and Burnham projects no sooner than May 1, 2005 in order that a comprehensive assessment may be made of the anadromous restoration plan for the Sebasticook River system.

LD 1034 **An Act To Require Certain Agencies To Track Votes of Board and Commission Members** **ONTP**

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

LD 1034 proposed to require the Commissioner of Environmental Protection to track the votes of each member of the Board of Environmental Protection and the Director of the Maine Land Use Regulation Commission to track the votes of each member of the commission. The bill also proposed to require that the commissioner and the director make these voting records available to the public.

LD 1045 **Resolve, Directing the Community Preservation Advisory Committee To Study the State Planning Office's Review of Municipal Comprehensive Plans and Growth Management Programs** **RESOLVE 34**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS GILMAN	OTP-AM	H-284

LD 1045 proposed to provide that rules adopted by the Executive Department, State Planning Office regarding review of municipal growth management programs, comprehensive plans and municipal ordinances for consistency with the goals of the growth management laws are major substantive rules. The bill also proposed to require the State Planning Office to make its findings of a growth management program or comprehensive plan's consistency or inconsistency with the growth management laws within the time frames already established in law.

Committee Amendment "A" (H-284) proposed to replace the bill. The amendment proposed to direct the Community Preservation Advisory Committee to study the Executive Department, State Planning Office's review of municipal comprehensive plans, growth management programs and local ordinances for consistency with state goals. The amendment proposed to require the Community Preservation Advisory Committee to submit a report to

Joint Standing Committee on Natural Resources

the Joint Standing Committee on Natural Resources by December 1, 2003. As proposed, the Joint Standing Committee on Natural Resources may report out legislation relating to the study during the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Resolve 2003, chapter 34 directs the Community Preservation Advisory Committee to study the Executive Department, State Planning Office's review of municipal comprehensive plans, growth management programs and local ordinances for consistency with state goals. The Community Preservation Advisory Committee shall submit a report to the Joint Standing Committee on Natural Resources by December 1, 2003. The Joint Standing Committee on Natural Resources may report out legislation relating to the study during the Second Regular Session of the 121st Legislature.

LD 1059 **Resolve, Directing the Department of Environmental Protection To Recognize the Distinction between Water Storage Reservoirs and Natural Lakes** **RESOLVE 37**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK STANLEY	OTP-AM	H-283

LD 1059 proposed to clarify that, in determining whether the habitat characteristics and aquatic life criteria are met in water storage reservoirs, the fact that there is different habitat and aquatic life in a water storage reservoir than in a natural great pond must be recognized. The bill also proposed that the Legislature recognize that many water storage reservoirs were authorized by legislative charter for the express purpose of storing and releasing water for instream purposes and downstream uses and that water storage reservoirs are artificial and not natural. The bill therefore proposed to clarify that in determining whether the structure and function of the resident biological community is maintained in water storage reservoirs the "resident biological community" to be evaluated is the aquatic life expected to exist within the impounded waters of water storage reservoirs with drawdowns of similar magnitude.

Committee Amendment "A" (H-283) proposed to replace the bill with a resolve. The amendment proposed to require the Department of Environmental Protection, Board of Environmental Protection, when adopting rules relating to protocols and procedures for evaluation of the resident biological community in water storage reservoirs, to recognize that water storage reservoirs are artificial and are not natural water bodies and to recognize and protect existing uses. The amendment also proposed to require the Department of Environmental Protection, when issuing licenses, permits and certifications prior to final adoption of the rules, to recognize that water storage reservoirs are artificial and are not natural water bodies and to ensure that the existing uses of water storage reservoirs are maintained and protected. The amendment proposed to provide that the goal of the rules or any license, permit or certification must be that the structure and function of the resident biological community that must be maintained in a water storage reservoir is the structure and function that would be expected to exist in a water storage reservoir with a drawdown of similar magnitude. The amendment also proposed to define "water storage reservoir."