

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
121st Legislature*

First Regular Session

*Bill Summaries
Joint Standing Committee
on
Natural Resources*

July 2003

Staff:

Susan Z. Johannesman, Legislative Analyst

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

Members:

*Sen. John L. Martin, Chair
Sen. Betheda G. Edmonds
Sen. W. Tom Sawyer, Jr.*

*Rep. Theodore Koffman, Chair
Rep. Joanne T. Twomey
Rep. Deborah J. Hutton
Rep. Elaine Makas
Rep. Thomas B. Saviello
Rep. Judd D. Thompson
Rep. Robert A. Daigle
Rep. David L. Tobin
Rep. Henry L. Joy
Rep. James D. Annis*

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 1158

An Act To Protect Maine's Coastal Water

CARRIED OVER

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u>		<u>Amendments Adopted</u>
------------------------------	--	-------------------------	--	---------------------------

LD 1158 proposes to establish commercial passenger vessel environmental compliance standards to provide for the terms and conditions of vessel discharges and monitoring and supervision of discharges from commercial passenger vessels through a registration system. LD 1158 was carried over to the Second Regular Session.

LD 1159

An Act To Reduce Mercury Use in Measuring Devices and Switches

PUBLIC 221

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-250
-------------------	--	-----------------------------------	--	------------------------------------

LD 1159 proposed to ban the sale of mercury switches, mercury relays and certain mercury-added measuring devices and instruments effective July 1, 2006. As proposed, the ban does not apply to the sale of mercury switches or mercury relays used as replacement parts in existing manufacturing equipment or in other equipment or machinery in which the switch or relay is integrated with other components. Manufacturers and users of the targeted mercury-added products may apply to the Commissioner of Environmental Protection for an exemption from the sales prohibition.

The bill also proposed to clarify the scope of the prohibition on the sale of mercury-added thermostats enacted by Public Law 2001, chapter 620, section 1.

Committee Amendment "A" (H-250) proposed to provide that the ban on the sale of mercury switches, mercury relays and certain mercury-added measuring devices and instruments does not apply if the use of the product is a federal requirement. The amendment also proposed to add another method of receiving an exemption from the sales ban: an exemption may be granted if the exemption is requested because the mercury-added product is required to meet specific advanced technology product specifications. The amendment proposed to authorize the Commissioner of Environmental Protection to require individuals who receive an exemption to maintain records and submit reports. The amendment also proposed to require the Department of Environmental Protection to submit to the Joint Standing Committee on Natural Resources a plan to improve the collection of mercury-added thermostats. As proposed, the Joint Standing Committee on Natural Resources is authorized to report out legislation relating to the collection of mercury-added thermostats during the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Public Law 2003, chapter 221 bans the sale of mercury switches, mercury relays and certain mercury-added measuring devices and instruments effective July 1, 2006. The ban does not apply to the sale of mercury switches or mercury relays used as replacement parts in existing manufacturing equipment, in other equipment or machinery in which the switch or relay is integrated with other components or if the use of the product is a federal requirement. Manufacturers and users of the targeted mercury-added products may apply to the Commissioner of Environmental Protection for an exemption from the sales prohibition. Chapter 221 authorizes the Commissioner of Environmental Protection to require individuals who receive an exemption to maintain records and submit reports. It also requires the Department of Environmental Protection to submit to the Joint Standing Committee on Natural Resources a plan to improve the collection of mercury-added thermostats. The Joint Standing Committee on

Joint Standing Committee on Natural Resources

Natural Resources is authorized to report out legislation relating to the collection of mercury-added thermostats during the Second Regular Session of the 121st Legislature. Chapter 221 also clarifies the scope of the prohibition on the sale of mercury-added thermostats enacted by Public Law 2001, chapter 620, section 1.

LD 1234

**Resolve, To Protect High and Moderate Value Waterfowl and
Wading Bird Habitats**

RESOLVE 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH MARTIN	OTP-AM	H-372 H-506 DUNLAP H-539 KOFFMAN

LD 1234 proposed to clarify the application of rules adopted by the Department of Environmental Protection governing the guidelines for municipal shoreland zoning ordinances, and to extend currently existing protections of shoreland zoning to certain candidates for designation as high-value and moderate-value waterfowl and wading bird habitats.

Under current law, the Board of Environmental Protection is directed in the Maine Revised Statutes, Title 38, section 438-A, subsection 1 to adopt and update guidelines for municipal zoning and land use controls, including the establishment of resource protection zones. In department rules governing municipal shoreland zoning ordinances, "resource protection district" is defined as "areas within 250 feet of...wetlands...which are rated 'moderate' or 'high' value by the Maine Department of Inland Fisheries and Wildlife as of January 1, 1973. (emphasis added)" This bill proposed to codify language following that rule that suggests that, as significant wildlife habitat continues to be "mapped and development standards are established, municipalities should incorporate such areas and standards into their locally adopted ordinances." It proposed to expand the definition of "significant wildlife habitat" to include the more than 100 candidates proposed by the staff of the Department of Inland Fisheries and Wildlife for designation as high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas, that have a completed Department of Inland Fisheries and Wildlife field survey under the ecoregional survey for water birds. The bill also proposed to exclude those habitats and areas from the requirement that maps of such areas be adopted by rule by the Department of Inland Fisheries and Wildlife and instead proposed to deem those areas to be mapped by the department.

Committee Amendment "A" (H-372) proposed to replace the bill and make it a resolve. The amendment proposed to direct the Department of Inland Fisheries and Wildlife, through rulemaking, to define, identify and map all high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas, subject to a General Fund appropriation. The amendment also proposed to direct the Commissioner of Inland Fisheries and Wildlife to submit a report to the Joint Standing Committee on Natural Resources that contains a schedule for the mapping and a projected cost to map all high and moderate value waterfowl and wading bird habitats.

House Amendment "A" to Committee Amendment "A" (H-506) proposed to require the Commissioner of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Inland Fisheries and Wildlife as well as the Joint Standing Committee on Natural Resources.

House Amendment "B" to Committee Amendment "A" (H-539) proposed to clarify that the rules adopted by the Department of Inland Fisheries and Wildlife to define, identify and map high and moderate value waterfowl and wading bird habitats are routine technical rules.