

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).

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
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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.

Joint Standing Committee on Natural Resources

House Amendment "C" to Committee Amendment "A" (H-543) 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 major substantive rules. This amendment was not adopted.

Enacted Law Summary

Resolve 2003, chapter 82 directs the Department of Inland Fisheries and Wildlife, through routine technical 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. It also directs the Commissioner of Inland Fisheries and Wildlife to submit a report to the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Inland Fisheries and Wildlife that contains a schedule for the mapping and a projected cost to map all high and moderate value waterfowl and wading bird habitats.

LD 1253 **An Act to Ensure Playground Safety** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL		

LD 1253 proposes to establish a Playground Safety and Tire Recycling Fund to provide matching grants to public schools and institutions and state parks and recreation areas to purchase and install playground surfacing material made from waste tire material. The intent of this bill is to improve playground safety while also promoting the reuse of tires. The bill proposes to establish the fund within the State Planning Office and directs that office to adopt rules to administer the fund. The bill also proposes to impose a fee of 25¢ per tire to provide the funding for the grant program. LD 1253 was carried over to the Second Regular Session.

LD 1271 **Resolve, To Study the Implementation of a Plan To Prohibit the Discharge of Certain Wastewater into Coastal Waters** **RESOLVE 79 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS MARTIN	OTP-AM	H-207

LD 1271 proposed to require the Department of Environmental Protection to define boundaries of certain waters in Casco Bay, including Portland Harbor and the Fore River estuary, as no-discharge zones for the purposes of application under the federal Clean Water Act and to adopt rules prohibiting the discharge of gray water from vessels in those zones.

Committee Amendment "A" (H-207) proposed to replace the resolve. The amendment proposed to require the Department of Environmental Protection to convene a stakeholder group and to develop a recommended plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State. The amendment proposed to require the department to submit the recommended plan to the Joint Standing Committee on Natural Resources by November 1, 2003. The amendment also proposed to add an emergency preamble and an emergency clause.

Enacted Law Summary