

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Natural Resources*

May 2004

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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 Second Regular Session and Second Special 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/billsumm.htm).

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:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY	Ruled out of order by the presiding officers; bill died
INDEF PP	Bill Indefinitely Postponed
ONTP.....	Ought Not To Pass report accepted
OTP-ND	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director

Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Natural Resources

Senate Amendment "A" to Committee Amendment "A" (S-497) proposed to amend Committee Amendment "A." The amendment proposed to prohibit the discharge of graywater or a mixture of graywater and blackwater to coastal waters by owners or operators of large commercial passenger vessels. Under the amendment, beginning January 1, 2006, a vessel that is equipped with an advanced wastewater treatment system may discharge graywater or a mixture of graywater and blackwater if the discharge complies with federal effluent standards and the owner or operator of the vessel complies with record-keeping and sampling and reporting requirements of federal law and is issued a general permit from the Department of Environmental Protection. The amendment also proposed to allow a large commercial passenger vessel that is equipped with a discharge system that requires continuous discharge to discharge graywater or a mixture of graywater and blackwater prior to January 1, 2006 if the vessel is authorized to discharge in Alaskan waters.

Enacted Law Summary

Public Law 2003, chapter 650 prohibits the discharge of graywater or a mixture of graywater and blackwater to coastal waters by owners or operators of large commercial passenger vessels. Beginning January 1, 2006, a large commercial passenger vessel that is equipped with an advanced wastewater treatment system may discharge graywater or a mixture of graywater and blackwater if the discharge complies with federal effluent standards and the owner or operator of the vessel complies with record-keeping and sampling and reporting requirements of federal law and is issued a general permit from the Department of Environmental Protection. Prior to January 1, 2006, a large commercial passenger vessel that is equipped with an advanced wastewater discharge system that requires continuous discharge may discharge graywater or a mixture of graywater and blackwater if the vessel is authorized to discharge in Alaskan waters.

Chapter 650 also directs the Department of Environmental Protection to submit to the Joint Standing Committee on Natural Resources a report concerning graywater discharges from small commercial passenger vessels and a report concerning air emissions from vessels.

LD 1617

An Act To Improve Subdivision Standards

PUBLIC 622

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN MARTIN	OTP-AM MAJ ONTP MIN	H-792

LD 1617 proposed to prohibit subdivisions that convert the primary use of the land from timberland to nontimberland use in situations when the land being subdivided has changed ownership in the 5 years preceding the subdivision application, when the subdivision would convert the primary use of the land from timberland to nontimberland use and when the subdivision exceeds 100 acres alone or in conjunction with other similar divisions created within 5 years out of the same parcel of land that resulted in conversion of the primary use of those subdivisions from timberland to nontimberland use. The bill would apply to subdivisions reviewed by the Maine Land Use Regulation Commission and to subdivisions reviewed by a municipal reviewing authority.

Committee Amendment "A" (H-792) was the majority report. The amendment proposed to replace the bill. It proposed to prohibit a municipality or the Maine Land Use Regulation Commission from approving an application for a subdivision if the parcel has been harvested in violation of rules adopted by the Maine Forest Service to regulate liquidation harvesting. As proposed, the prohibition would end 5 years from the date the parcel was

Joint Standing Committee on Natural Resources

purchased by the landowner responsible for the harvest. This provision would take effect on the same date that the Maine Forest Service rules become effective.

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Enacted Law Summary

Public Law 2003, chapter 622 prohibits a municipality or the Maine Land Use Regulation Commission from approving an application for a subdivision if the parcel has been harvested in violation of rules adopted by the Maine Forest Service to regulate liquidation harvesting. This prohibition ends 5 years from the date the parcel was purchased by the landowner responsible for the harvest. This provision takes effect on the same date that the Maine Forest Service rules become effective.

LD 1655

An Act To Amend Certain Laws Relating to Environmental Protection

PUBLIC 551

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KOFFMAN	OTP-AM	S-390

LD 1655 proposed to make the following changes to laws administered by the Department of Environmental Protection. It proposed to:

1. Reduce the frequency of reporting under the Clean Government Initiative;
2. Give the department authority to license categories of subsurface discharges by rule when the discharges will not have a significant adverse effect on the quality or classification of groundwaters of the State;
3. Change the frequency of a public hearing requirement to accord with minimum federal requirements concerning hearings related to the review of water quality standards;
4. Correct an error in the existing statute governing the water quality classification of the Dennys River Basin by designating the correct bridge relative to the location of tidewaters;
5. Amend the "sand supply" standard in the Maine Revised Statutes, Title 38, section 480-D, subsection 7 by adding "or gravel" in order to make it consistent with the definition of "coastal sand dune systems" in Title 38, section 480-B, subsection 1;
6. Make a claimant ineligible to receive 3rd-party damage payments from the Maine Coastal and Inland Surface Oil Clean-up Fund or the Ground Water Oil Clean-up Fund if the claimant caused the oil discharge that resulted in the damages or the claimant otherwise meets the definition of "responsible party" under Maine oil discharge law;
7. Authorize the Commissioner of Environmental Protection to dismiss a claim for damages associated with an oil discharge if the claim is not timely filed, the claimant does not provide the information needed to process the claim or the claimant is found to be responsible for the discharge;
8. Provide that the discovery of oil in drinking water supplies, soil or other locations on the premises of an underground storage facility is evidence of a leak;