

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

Enacted Law Summary

Public Law 2003, chapter 373 allows all excavators to begin excavation immediately in locations in which all facility owners have indicated to the excavator or to the system that no underground facilities exist. It also directs the Public Utilities Commission to establish by rule notice requirements for excavation associated with drinking water well construction. The rules are major substantive rules and must be submitted to the Joint Standing Committee on Utilities and Energy by February 1, 2004.

LD 1617

An Act To Improve Subdivision Standards

CARRIED OVER

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

LD 1617 proposes 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 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. LD 1617 was carried over to the Second Regular Session.

LD 1626

Resolve, To Authorize the State To Purchase a Landfill in the City of Old Town

RESOLVE 93

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP CATHCART	OTP-AM MAJ ONTP MIN	H-563 S-312 MARTIN

LD 1626 proposed to authorize the Executive Department, State Planning Office to acquire, own and operate a preexisting, Department of Environmental Protection-approved and generator-owned solid waste disposal facility located in Old Town and to enter into such contracts as the office determines are necessary or appropriate to effect this transaction. The resolve further proposed that municipal regulation of the facility would not be the same as for any other disposal facilities owned by the State. The resolve also proposed that the City of Old Town would be afforded the specified host community benefit, power and responsibility with respect to the facility as currently provided in state law. Finally, the resolve proposed to require the State Planning Office to submit a report to the Joint Standing Committee on Natural Resources on the process of acquiring the disposal facility and reviewing the facility's operation.

Committee Amendment "A" (H-563) proposed to replace the resolve. It proposed to authorize the Executive Department, State Planning Office to acquire, subject to a possibility of reverter to the seller, own and cause to be operated an existing, Department of Environmental Protection-licensed and generator-owned solid waste disposal facility located in Old Town under terms and conditions that are revenue-neutral to the State. The amendment proposed to authorize the State Planning Office to enter into such contracts as the office determines are necessary or appropriate. The amendment proposed to require that the acquisition agreement provide that the current owner is

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responsible for environmental liability associated with the operation of the disposal facility prior to acquisition by the office. The amendment proposed to require that the agreement for the operation of the disposal facility be established through competitive bidding and that the operator must indemnify the office for liabilities and costs of the office resulting from the acquisition, development and operation of the disposal facility. The amendment proposed to require the State Planning Office to require persons submitting proposals to submit a nonrefundable deposit to offset the office's costs associated with the transactions and the cost to the City of Old Town and the Town of Alton to establish a joint citizen advisory committee. The amendment proposed to provide that the resolve does not abrogate the sovereign immunity of the State with respect to the acquisition agreement. The amendment proposed to provide that the City of Old Town may not regulate the disposal facility. However, the amendment proposed to require the City of Old Town and the Town of Alton to establish a joint citizen advisory committee with the same host community responsibilities as currently provided in state law. The amendment also proposed to require the State Planning Office to submit a report to the Joint Standing Committee on Natural Resources on the process of acquiring the disposal facility and reviewing the facility's operation.

Senate Amendment "A" to Committee Amendment "A" (S-312) proposed to allow the City of Old Town to enact an ordinance that regulates the expansion of the disposal facility as long as the ordinance does not contain stricter standards than certain standards contained in the Maine Revised Statutes, Title 38, chapters 3 and 13.

Enacted Law Summary

Resolve 2003, chapter 93 authorizes the Executive Department, State Planning Office to acquire, subject to a possibility of reverter to the seller, own and cause to be operated an existing, Department of Environmental Protection-licensed and generator-owned solid waste disposal facility located in Old Town under terms and conditions that are revenue-neutral to the State. It authorizes the State Planning Office to enter into such contracts as the office determines are necessary or appropriate. It requires that the acquisition agreement provide that the current owner is responsible for environmental liability associated with the operation of the disposal facility prior to acquisition by the office. It requires that the agreement for the operation of the disposal facility be established through competitive bidding and that the operator must indemnify the office for liabilities and costs of the office resulting from the acquisition, development and operation of the disposal facility. It requires the State Planning Office to require persons submitting proposals to submit a nonrefundable deposit to offset the office's costs associated with the transactions and the cost to the City of Old Town and the Town of Alton to establish a joint citizen advisory committee. It provides that the resolve does not abrogate the sovereign immunity of the State with respect to the acquisition. It provides that the City of Old Town may not regulate the disposal facility, except that the City may enact an ordinance that regulates the expansion of the disposal facility as long as the ordinance does not contain stricter standards than certain standards contained in the Maine Revised Statutes, Title 38, chapters 3 and 13. It requires the City of Old Town and the Town of Alton to establish a joint citizen advisory committee with the same host community responsibilities as currently provided in state law. It also requires the State Planning Office to submit a report to the Joint Standing Committee on Natural Resources on the process of acquiring the disposal facility and reviewing the facility's operation.