

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*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Natural Resources*

May 2004

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
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

LD 1661

Resolve, Regarding the Sale of Batteries Containing Mercury

RESOLVE 125

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DAMON	OTP-AM	H-780

LD 1661 proposed to ban, after January 1, 2006, the sale in this State of novelties that contain batteries that contain mercury, such as light-up games, cards and adornments.

Committee Amendment "A" (H-780) proposed to replace the bill with a resolve. It proposed to direct the Department of Environmental Protection to study the sale of batteries that contain mercury and to submit a report of its findings to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 14, 2005.

Enacted Law Summary

Resolve 2003, chapter 125 directs the Department of Environmental Protection to study the sale of batteries that contain mercury and to submit a report of its findings to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 14, 2005.

LD 1668

An Act To Amend the Laws Governing Growth Management

PUBLIC 604

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN BROMLEY	OTP-AM MAJ ONTP MIN	H-759 H-766 KOFFMAN

LD 1668 proposed to require a state agency, when awarding grants or making discretionary investments, to give preference first to a municipality that has received a certificate of consistency for its growth management program and has adopted land use ordinances and a capital investment plan and 2nd to a municipality that has adopted land use ordinances and a capital investment plan consistent with its comprehensive plan.

Committee Amendment "A" (H-759), the majority report of the committee, proposed to require a state agency, when awarding grants or making discretionary investments, to give preference first to municipalities that have received a certificate of consistency for a growth management program, then to municipalities that have adopted consistent comprehensive plans and consistent zoning ordinances, then to municipalities that have adopted consistent comprehensive plans and then to municipalities that have adopted comprehensive plans. The amendment also proposed that a municipality could not be penalized if it submitted a comprehensive plan, zoning ordinance or growth management program to the State Planning Office for review, the time for the office to respond has expired and the office has not provided its comments or findings to the municipality. The effective date of the proposed changes would be July 1, 2005.

House Amendment "A" to Committee Amendment "A" (H-766) proposed to change the preference for other state grants and investments as specified in Committee Amendment "A" by eliminating the requirement that the 2nd

Joint Standing Committee on Natural Resources

priority be given to a municipality that is implementing a capital investment plan and eliminating the 4th priority of a municipality that has adopted a comprehensive plan.

Enacted Law Summary

Public Law 2003, chapter 604 requires a state agency, when awarding grants or making discretionary investments, to give preference first to municipalities that have received a certificate of consistency for a growth management program, then to municipalities that have adopted consistent comprehensive plans and consistent zoning ordinances and then to municipalities that have adopted consistent comprehensive plans. A municipality can not be penalized if it submitted a comprehensive plan, zoning ordinance or growth management program to the State Planning Office for review, the time for the office to respond has expired and the office has not provided its comments or findings to the municipality. Chapter 604 is effective July 1, 2005.

LD 1723

An Act To Amend the Laws Regarding Invasive Aquatic Species

PUBLIC 627

<u>Sponsor(s)</u> MARTIN SAVIELLO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-450
---	-----------------------------------	------------------------------------

LD 1723 proposed to require the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to establish a program to monitor and inspect watercraft at public access points on lakes identified by the State as having invasive aquatic plants. Under the proposed bill, the departments would be jointly required to set times when these public access sites would be open for public use and inspection and the access sites would be secured during closed periods to prevent access. Under the bill, a person who failed to comply with the inspection process or failed to remove an aquatic plant from that person's watercraft, watercraft trailer or outboard motor upon the oral or written request of the inspector would be denied access to the lake until that person complied with the inspector's request. Under the proposal, it would be a Class E crime to use a closed access point or to fail to remove a suspicious aquatic plant from that person's watercraft upon the oral or written request of an inspector. Funding for the program would come from revenues derived from lake and river protection stickers issued under the Maine Revised Statutes, Title 12, section 13058.

Committee Amendment "A" (S-450) proposed to replace the bill and proposed to:

1. Change the title of the bill;
2. Provide that a person may not place a watercraft on inland waters without a lake and river protection sticker;
3. Add the provision that a person who operates a watercraft on inland waters without a sticker commits a civil violation;
4. Remove the restriction that only warnings can be issued for sticker violations when there are other boating law violations;
5. Provide that a person commits a Class E crime if that person places or operates a watercraft on inland waters without a sticker after committing 3 or more violations of inland fisheries and wildlife laws within the last 5 years;