

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.*

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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

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
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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;

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6. Provide that if a person operates, launches or removes a watercraft at a restricted access site or refuses inspection of a watercraft in violation of a surface use restriction order, that person commits a civil violation. If that person has committed 3 or more violations of Inland Fisheries and Wildlife laws within 5 years, that person commits a Class E crime;
7. Give a municipality the option of appointing a harbor master to only enforce the invasive species laws;
8. Allow a person to remove aquatic plants or parts of plants from a vehicle, watercraft or trailer; and
9. Allow the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to restrict access to an infested water body by issuing an emergency order. It also proposed to allow the commissioners to require inspections and cleaning of watercraft and trailers at sites identified in the order. Designated state boat inspectors would conduct the inspections.

Enacted Law Summary

Public Law 2003, chapter 627 does the following:

1. It provides that a person may not place a watercraft on inland waters without a lake and river protection sticker.
2. It adds the provision that a person who operates a watercraft on inland waters without a sticker commits a civil violation.
3. It removes the restriction that only warnings can be issued for sticker violations when there are other boating law violations.
4. It provides 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.
5. It provides that if a person operates, launches or removes a watercraft at a restricted access site or refuses inspection of a watercraft in violation of a surface use restriction order, that person commits a civil violation. If that person has committed 3 or more violations of Inland Fisheries and Wildlife laws within 5 years, that person commits a Class E crime.
6. It gives a municipality the option of appointing a harbor master to only enforce the invasive species laws.
7. It requires a person to remove aquatic plants or parts of plants from a vehicle, watercraft or trailer.
8. It allows the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to restrict access to an infested water body by issuing an emergency order. It also allows the commissioners to require inspections and cleaning of watercraft and trailers at sites identified in the order. Designated state boat inspectors must conduct the inspections.