

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 1849

Resolve, Regarding Legislative Review of Chapter 355: Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection

**RESOLVE 130
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-805

LD 1849 proposed to provide for legislative review of Chapter 355: Sand Dune Rules, a major substantive rule of the Department of Environmental Protection.

Committee Amendment "A" (H-805) proposed to authorize the adoption of Chapter 355: Sand Dune Rules until April 1, 2006 only if Chapter 355 is amended to provide that elevators that are required for compliance with the requirements of the federal Americans with Disabilities Act are exempt from the requirement that a new structure or addition to an existing structure may not be constructed on or seaward of a frontal dune. The amendment also proposed that the rules must also be amended to provide that elevators or ramps serving buildings required to comply with the federal Americans with Disabilities Act must be designed and constructed so as to minimize intrusion on the frontal dune. The amendment also proposed that the Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings prior to finally adopting this rule in accordance with this resolve. The amendment proposed to direct the Commissioner of Environmental Protection and the Commissioner of Conservation to convene a meeting of stakeholders by May 15, 2004 and it proposed to direct the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the progress of the sand dune stakeholder meetings and to submit draft revised sand dune rules and a statewide beach nourishment policy by January 17, 2005. It proposed to direct the Department of Environmental Protection to submit by January 16, 2006 to the joint standing committee of the Legislature having jurisdiction over natural resources matters recommendations on a state acquisition program, wildlife habitat management initiatives and removal of the existing prohibition of the use of outdated v-zone maps. It also proposed to direct the Department of Environmental Protection to provisionally adopt and submit to the Legislature revised sand dune rules by January 16, 2006.

Enacted Law Summary

Resolve 2003, chapter 130 authorizes the adoption of Chapter 355: Sand Dune Rules until April 1, 2006 only if Chapter 355 is amended to provide that elevators that are required for compliance with the requirements of the federal Americans with Disabilities Act are exempt from the requirement that a new structure or addition to an existing structure may not be constructed on or seaward of a frontal dune. The rules must also be amended to provide that elevators or ramps serving buildings required to comply with the federal Americans with Disabilities Act must be designed and constructed so as to minimize intrusion on the frontal dune. The Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings prior to finally adopting this rule. Chapter 130 directs the Commissioner of Environmental Protection and the Commissioner of Conservation to convene a meeting of stakeholders by May 15, 2004. It directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the progress of the sand dune stakeholder meetings and to submit draft revised sand dune rules and a statewide beach nourishment policy by January 17, 2005. It directs the Department of Environmental Protection to submit by January 16, 2006 to the joint standing committee of the Legislature having jurisdiction over natural resources matters recommendations on a state acquisition program, wildlife habitat management initiatives and

Joint Standing Committee on Natural Resources

removal of the existing prohibition of the use of outdated v-zone maps. It also directs the Department of Environmental Protection to provisionally adopt and submit to the Legislature revised sand dune rules by January 16, 2006.

Resolve 2003, chapter 130 was passed as an emergency measure effective April 14, 2004.

LD 1858 **An Act To Change the Point System for Clearing Vegetation** **PUBLIC 637**
Adjacent to Protected Natural Resources

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-448

LD 1858 proposed to amend the point system for clearing vegetation adjacent to protected natural resources pursuant to Joint Order 2004, S.P. 684. It proposed to change the definition of "well-distributed stand of trees" by increasing the area from a 25-foot by 25-foot square area to a 25-foot by 50-foot rectangular area and by changing the rating system. The bill also proposed to prohibit a landowner or lessee from aggressively eliminating all woody vegetation that exceeds 3 feet in height.

Committee Amendment "A" (S-448) proposed to require that no more than 50% of the points of a 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter. It also proposed to require that existing vegetation under 3 feet in height and other ground cover and at least 5 saplings less than 2 inches in diameter at 4 1/2 feet above ground level for each 25-foot by 50-foot area must be retained. It also proposed that rules adopted by the Board of Environmental Protection and the Department of Conservation, Maine Land Use Regulation Commission pursuant to this Act are routine technical rules.

Enacted Law Summary

Public Law 2003, chapter 637 amends the point system for clearing vegetation adjacent to protected natural resources pursuant to Joint Order 2004, S.P. 684. It changes the definition of "well-distributed stand of trees" by increasing the area from a 25-foot by 25-foot square area to a 25-foot by 50-foot rectangular area and by changing the rating system. It requires that no more than 50% of the points of a 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter. It also requires that existing vegetation under 3 feet in height and other ground cover and at least 5 saplings less than 2 inches in diameter at 4 1/2 feet above ground level for each 25-foot by 50-foot area must be retained. It also provides that rules adopted by the Board of Environmental Protection and the Department of Conservation, Maine Land Use Regulation Commission pursuant to this Act are routine technical rules.