

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Natural Resources*

August 2005

Members:

*Sen. Scott W. Cowger, Chair
Sen. John L. Martin
Sen. Lois A. Snowe-Mello*

*Rep. Theodore S. Koffman, Chair
Rep. Joanne T. Twomey
Rep. Thomas B. Saviello
Rep. Judd D. Thompson
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Rep. Jane E. Eberle
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Rep. Henry L. Joy
Rep. James D. Annis
Rep. Kimberley C. Rosen*

Staff:

Susan Z. Johannesman, Legislative Analyst

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Natural Resources

LD 193

An Act To Strengthen Wildlife Habitat Protection

ONTP

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

LD 193 proposed to eliminate the mapping requirements for 3 types of significant wildlife habitat: high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas; shorebird nesting, feeding and staging areas and seabird nesting islands; and significant vernal pools.

LD 261

An Act Concerning Significant Wildlife Habitat and Wetlands of Special Significance

PUBLIC 116

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN PERRY J	OTP-AM	H-193

LD 261 proposed to add a clarification of "timber harvesting" within the definition of "forest management activities" to improve consistency between the natural resources protection laws and the Maine Revised Statutes, Title 12, section 8868. It also proposed to remove language in the definition of "significant wildlife habitat" in the natural resources protection laws that requires significant vernal pools to be identified in a specific location. Instead, significant vernal pool habitat would be required to meet specific criteria to be considered as "significant wildlife habitat." Criteria for identification of significant vernal pools and associated management areas were proposed to be established through rule.

The bill also proposed to add a limitation to the existing exemption for minor alterations in freshwater wetlands by providing that the exemption would not be available if the proposed activity would occur in a wetland containing a natural community that is critically imperiled, S1, or imperiled, S2, as defined by the Natural Areas Program, in a significant wildlife habitat or in a wetland area that is inundated with floodwater during a 100-year flood event.

Committee Amendment "A" (H-193) proposed to remove the requirement that significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas be mapped through a formal rule-making process. Instead, the habitats would be required to meet specific criteria adopted through major substantive rulemaking. For solely forest management activities, significant wildlife habitat would be mapped through formal rulemaking. The amendment also proposed to delete from the bill certain proposed limitations to the existing exemption for minor alterations in freshwater wetlands.

Enacted law summary

Public Law 2005, chapter 116 adds a definition of "timber harvesting" within the definition of "forest management activities" to improve consistency between the natural resources protection laws and the Maine Revised Statutes, Title 12, section 8868.

It adds a limitation to the existing exemption for minor alterations in freshwater wetlands by providing that the exemption would not be available if the proposed activity would occur in a significant wildlife habitat.