

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
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Maine State Legislature

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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

Resolve 2005, chapter 93 directs the Department of Education and the Department of Environmental Protection to implement the provisions of the proposal dated May 10, 2005 regarding the removal of hazardous materials from schools. It also directs the departments to report to the Joint Standing Committee on Natural Resources by January 15, 2006 on the effectiveness of their efforts and to recommend changes if necessary.

LD 1160

Resolve, To Increase Wetland Protection

RESOLVE 37

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN DAMON	OTP-AM	H-315

LD 1160 proposed to apply all standards of the natural resources protection laws to Tier 1 wetlands. It proposed to require the Department of Environmental Protection, in Tier 1 wetland review, to consider impacts to the wetland from other regulated activities that occurred during the prior year and to extend the time the department has to review Tier 1 applications from 30 days to 60 days. It proposed to direct the Department of Environmental Protection to work with the Executive Department, State Planning Office and other interested parties to develop a Tier 1 wetlands compensation program, to review and recommend changes to the wetlands exemptions and to report to the Joint Standing Committee on Natural Resources by January 1, 2006.

Committee Amendment "A" (H-315) replaced the bill with a resolve and removed those sections of the bill that proposed to:

1. Apply all standards of the natural resources protection laws to Tier 1 freshwater wetlands;
2. Require the Department of Environmental Protection, in Tier 1 freshwater wetland review, to consider impacts to the wetland from other regulated activities that occurred during the prior year; and
3. Extend the time the department has to review Tier 1 applications.

The proposed amendment would replace those sections with a reporting requirement requiring the Department of Environmental Protection to evaluate the resources necessary to apply all standards in the Maine Revised Statutes, Title 38, section 480-D to projects eligible for Tier 1 review and to report to the Joint Standing Committee on Natural Resources with any recommendations and proposed legislation by February 1, 2006. The amendment also proposed to authorize the committee to report out legislation to the Second Regular Session of the 122nd Legislature and it proposed to change a report date from January 1, 2006 to February 1, 2006.

Enacted law summary

Resolve 2005, chapter 37 requires the Department of Environmental Protection to evaluate the resources necessary to apply all standards in the Maine Revised Statutes, Title 38, section 480-D to projects eligible for Tier 1 wetland review and to report to the Joint Standing Committee on Natural Resources with any recommendations and proposed legislation by February 1, 2006. Chapter 37 also directs the Department of Environmental Protection to work with the Executive Department, State Planning Office and other interested parties to develop a Tier 1 wetlands compensation program, to review and recommend changes to the wetlands exemptions and to report to the Joint Standing Committee on Natural Resources by February 1, 2006. Chapter 37 also authorizes the Natural Resources Committee to report out legislation to the Second Regular Session of the 122nd Legislature.