

# 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  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Natural Resources*

*July 2006*

**Staff:**

*Susan Z. Johannesman, Legislative Analyst*

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

**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. Judd D. Thompson  
Rep. Robert S. Duchesne  
Rep. Jane E. Eberle  
Rep. Walter A. Wheeler, Sr.  
Rep. Robert A. Daigle  
Rep. Henry L. Joy  
Rep. James D. Annis  
Rep. Kimberley C. Rosen*

# Maine State Legislature



## Office of Policy and Legal Analysis Office of Fiscal and Program Review

### 122nd Maine Legislature Second Regular 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 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](http://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 (Pocket Veto).....	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 August 23, 2006.

## Joint Standing Committee on Natural Resources

proposed to require the department, in consultation with the Board of Dental Examiners, to annually report to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

**Committee Amendment "B" (S-478)**, a minority report, proposed to ban the use of mercury fillings in children under 6 years of age and pregnant women beginning in 2007 and in all individuals beginning in 2008. Committee Amendment "B" was not adopted

### *Enacted law summary*

Resolve 2005, chapter 143 requires any person that supplies mercury amalgam to dentists in Maine to report to the Department of Environmental Protection the volume of amalgam supplied. The reports must be submitted annually for 3 years. It also requires the department, in consultation with the Board of Dental Examiners, to annually report to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

### **LD 1535**

### **An Act Making Improvements to the Laws Regarding Local Land Use Ordinances**

**PUBLIC 597**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM A	H-832
BROMLEY	OTP-AM B	
	ONTP C	

LD 1535, which was carried over from the First Regular Session, proposed to broaden and update the findings and purposes sections of the planning and land use control law to explicitly recognize that planning and land use regulation is a shared responsibility of State Government and local government. The bill also proposed to make changes in definitions of relevant terms and to rewrite the laws on rate of growth ordinances and clarify when rate of growth ordinances are allowed.

**Committee Amendment "A" (H-832)**, the majority report, proposed to authorize a municipality to enact a rate of growth ordinance if the ordinance is consistent with a comprehensive plan, sets the number of permits allowed under the ordinance at a minimum of 105% of the mean number of permits issued during the prior 10 years and sets the number of permits allowed for affordable housing. It also proposed to require the number of permits allowed to be recalculated every 3 years and to make the law effective July 1, 2007.

**Committee Amendment "B" (H-833)**, a minority report of the committee, proposed to authorize a municipality to enact one rate of growth ordinance in a 10-year period. It also proposed that the ordinance could not be for a term of more than 3 years and could not be extended. It also proposed that a municipality that has a rate of growth ordinance in effect on the effective date of this Act would not be required to wait 7 years before adopting another ordinance but could enforce the municipality's ordinance for up to 3 years after the effective date of this Act. The amendment also proposed to designate an effective date of July 1, 2007. Committee Amendment "B" was not adopted.

**House Amendment "A" (H-966)** proposed to strike the application section of the bill. House Amendment "A" was not adopted.

### *Enacted law summary*

## *Joint Standing Committee on Natural Resources*

Public Law 2005, chapter 597 authorizes a municipality to enact a rate of growth ordinance if the ordinance is consistent with a comprehensive plan, sets the number of permits allowed under the ordinance at a minimum of 105% of the mean number of permits issued during the prior 10 years, sets the number of permits allowed for affordable housing and requires the number of permits allowed to be recalculated every 3 years. It also makes changes in definitions of relevant terms.

Public Law 2005, chapter 597 is effective July 1, 2007.

**LD 1578**                      **An Act To Ensure Certain Protections to Communities Hosting Waste-to-energy Facilities**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	ONTP      MAJ	
TWOMEY	OTP-AM    MIN	

LD 1578, which was carried over from the First Regular Session, proposed that a community that hosts a waste-to-energy facility may adopt its own reasonable rules on the transportation of solid waste, municipal solid waste, special waste and refuse-derived fuel through that community. It also proposed that an agreement between an incineration facility and a community must include certain provisions to protect that community.

**Committee Amendment "A" (S-507)**, the minority report of the committee, proposed to retain the section of the bill that defines host community. It would require a commercial solid waste disposal facility to have in place a host community agreement throughout the period of operation of the facility unless the Commissioner of Environmental Protection determines that the facility is negotiating in good faith to formulate an agreement with the host community. Committee Amendment "A" was not adopted.

**LD 1592**                      **An Act Regarding Disposal of Dredged Materials**                      **ONTP**

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

LD 1592, which was carried over from the First Regular Session, proposed to remove the exemption from current law that exempts holders of a permit issued under the United States Clean Water Act, Public Law 92-500, Section 404 from obtaining a waste discharge license for the disposal of dredged materials into waters of the State. It also proposed to require coastal municipalities to develop a plan for the disposal of dredge spoils.