

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
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Rep. James D. Annis
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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.

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8. It adds a numeric standard for fugitive dust emissions to the laws governing borrow pits and quarries.
9. It authorizes the department to grant a release from requirements of the borrow pit law and the quarry law after reclamation of the affected area. The department would be required to inspect the site before the release, and the release would terminate if any further excavation was proposed on the parcel.
10. It provides that all excavations below the seasonal high water table require a variance from the department under the quarry law.
11. It changes in the quarry law the range for a preblast survey from 2000 feet to 1/2 mile from the blast site.
12. It changes the annual fees in the borrow pit and quarry laws.

LD 1533 **An Act To Prevent Algae Blooms in Gulf Island Pond** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU NUTTING J	ONTP MAJ OTP MIN	

LD 1533 proposed to require ongoing monitoring of certain water quality conditions at the hydropower project at Gulf Island Pond. It also proposed to require forecasting of water conditions and, if required based upon the forecasting, implementation of changes to the operating regimen of the hydropower project at Gulf Island Dam. This bill also proposed to provide that the wastewater discharge licensees would pay for the appropriate monitoring and modeling system in order to implement this legislation.

LD 1535 **An Act Making Improvements to the Laws Regarding Local Land Use Ordinances** **CARRIED OVER**

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

LD 1535 proposes to broaden and update the findings and purposes sections of 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 proposes to make changes in definitions of relevant terms and it proposes to rewrite the laws on rate of growth ordinances and clarifies when rate of growth ordinances are allowed. LD 1535 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

LD 1558 **An Act Concerning Storm Water Management** **PUBLIC 219**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	S-184

Joint Standing Committee on Natural Resources

LD 1558 proposed to do the following:

1. It proposed to amend the laws governing waste discharge in the following ways.
 - A. It would provide that the Department of Environmental Protection may exempt or license by rule discharges of storm water to groundwater from surface wastewater disposal systems if such discharges will not have a significant adverse effect on the quality or classification of waters of the State. Rules adopted to implement these provisions would be routine technical rules.
 - B. It would provide that the department may exempt, in addition to license by rule, subsurface discharges to groundwater from subsurface wastewater disposal systems if such discharges will not have a significant adverse effect on the quality or classification of waters of the State.
2. It proposed to amend the laws governing storm water management in the following ways.
 - A. It would change the permitting threshold in the storm water management laws to one acre or more of disturbed area.
 - B. It would remove language providing that storm water quality standards only apply in the direct watersheds of water bodies most at risk from development and in sensitive or threatened geographic regions or watersheds.
 - C. It would repeal an exemption for construction projects at industrial facilities for which a federal storm water permit application has been made or construction projects at facilities for which storm water is regulated under an existing federal discharge permit.
 - D. It would change the fee provisions in the storm water management laws.
 - E. It would authorize the department to require a person owning or operating a significant existing source of storm water to implement a storm water management system.
 - F. It would provide transition provisions.

Committee Amendment "A" (S-184) proposed to clarify that certain municipal storm water conveyance systems are excluded from the definition of "significant existing source."

Enacted law summary

Public Law 2005, chapter 219 does the following:

1. It amends the laws governing waste discharge in the following ways.
 - A. It provides that the Department of Environmental Protection may exempt or license by rule discharges of storm water to groundwater from surface wastewater disposal systems if such discharges will not have a significant adverse effect on the quality or classification of waters of the State. Rules adopted to implement these provisions are routine technical rules.
 - B. It provides that the department may exempt or license by rule subsurface discharges to groundwater from subsurface wastewater disposal systems if such discharges will not have a significant adverse effect on the quality or classification of waters of the State.

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2. It amends the laws governing storm water management in the following ways.
 - A. It changes the permitting threshold in the storm water management laws to one acre or more of disturbed area.
 - B. It removes language providing that storm water quality standards only apply in the direct watersheds of water bodies most at risk from development and in sensitive or threatened geographic regions or watersheds.
 - C. It repeals an exemption for construction projects at industrial facilities for which a federal storm water permit application has been made or construction projects at facilities for which storm water is regulated under an existing federal discharge permit.
 - D. It changes the fee provisions in the storm water management laws.
 - E. It authorizes the department to require a person owning or operating a significant existing source of storm water to implement a storm water management system.
 - F. It provides transition provisions.

LD 1574

**An Act To Assist Towns with the Implementation of the Laws
Governing Growth Management**

PUBLIC 290

Sponsor(s)
EDMONDS
KOFFMAN

Committee Report
OTP-AM

Amendments Adopted
S-221

LD 1574 proposed to define the term "consistent" when that term is applied to the requirement that an ordinance be consistent with a comprehensive plan. The bill also proposed to authorize municipalities to establish municipal community preservation funds and proposed to establish the Maine Community Preservation Trust Fund.

Committee Amendment "A" (S-221) replaced the bill and proposed to amend the uses of the Municipal Investment Trust Fund to include restoration of public service infrastructure and the acquisition of open space.

Enacted law summary

Public Law 2005, chapter 290 amends the uses of the Municipal Investment Trust Fund to include restoration of public service infrastructure and the acquisition of open space.