

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).

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

LD 1860

An Act Concerning Certain Provisions Regarding Protection of Natural Resources Related to Activities in Coastal Areas

**PUBLIC 548
EMERGENCY**

<u>Sponsor(s)</u> KOFFMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-842
------------------------------	--	-----------------------------------	--	------------------------------------

LD 1860 proposed to repeal a provision in the Maine Revised Statutes, Title 38, section 480-E, subsection 9 that prohibits the Department of Environmental Protection from denying a permit for reconstruction of a structure solely because the structure is located in a V-Zone designated after January 1, 1999 by the Federal Emergency Management Agency for the National Flood Insurance Program. It also proposed to clarify certain emergency actions that may be taken without a permit, if specified criteria are met, when the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened by specifying that protective materials may be left in place to shore up a structure no more than 18 months and by providing that actions taken to strengthen structures must be limited to those necessary to alleviate the imminent threat. Also, the bill proposed to expand the list of those persons authorized to make determinations concerning the integrity of a structure.

Committee Amendment "A" (H-842) proposed to clarify the emergency actions a property owner may take without a permit when the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened. It also proposed to provide standards for approval by the Department of Environmental Protection of a permit by rule for the repair or replacement of a structure that has been destroyed or threatened. It also proposed to add an emergency preamble and clause.

Enacted law summary

Public Law 2005, chapter 548 clarifies certain emergency actions that may be taken without a permit, if specified criteria are met, when the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened. It also provides standards for approval by the Department of Environmental Protection of a permit by rule for the repair or replacement of a structure that has been destroyed or threatened. It also repeals a provision in the Maine Revised Statutes, Title 38, section 480-E, subsection 9 that prohibits the Department of Environmental Protection from denying a permit for reconstruction of a structure solely because the structure is located in a V-Zone designated after January 1, 1999 by the Federal Emergency Management Agency for the National Flood Insurance Program.

Public Law 2005, chapter 548 was enacted as an emergency measure effective April 6, 2006.

LD 1888

An Act To Amend Certain Laws Administered by the Department of Environmental Protection

PUBLIC 561

<u>Sponsor(s)</u> KOFFMAN COWGER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-801 H-920 KOFFMAN
--	--	-----------------------------------	--	---

LD 1888 proposed to make several changes to the laws administered by the Department of Environmental Protection. It proposed to: