

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Natural Resources*

*July 2006*

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# 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*

**Committee Amendment (H-883)** proposed to authorize final adoption of Chapter 335: Significant Wildlife Habitat Rules, a provisionally adopted major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specified changes are made to the rule. The amendment also proposed to provide an implementation date of September 1, 2007 for the provisions of the rule regarding significant vernal pool habitats. It also proposed to require the Department of Environmental Protection to report on the implementation of the significant wildlife habitat rules to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2009 and it proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation relating to the report to the First Regular Session of the 124th Legislature.

### ***Enacted law summary***

Resolve 2005, chapter 183 authorizes final adoption of Chapter 335: Significant Wildlife Habitat Rules, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specified changes are made to the rule. It also provides an implementation date of September 1, 2007 for the provisions of the rule regarding significant vernal pool habitats. It also requires the Department of Environmental Protection to report on the implementation of the significant wildlife habitat rules to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2009. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to report out legislation relating to the report to the First Regular Session of the 124th Legislature.

Resolve 2005, chapter 183 was enacted as an emergency measure effective April 12, 2006.

### **LD 2035**

### **An Act Regarding Storm Water Program Administration**

**PUBLIC 602**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-879

S-594 COWGER

LD 2035 proposed to establish an annual fee of up to \$300 for a general permit for industrial storm water discharges issued pursuant to the waste discharge laws. It also proposed to direct the Department of Environmental Protection to modify the general permit for industrial storm water discharges to include publicly owned facilities by January 1, 2008. It also proposed to amend the rule-making provision in the law regulating storm water management to provide that rules adopted pursuant to that law are routine technical rules rather than major substantive rules.

**Committee Amendment "A" (H-879)** proposed to replace the bill, except that it retained the provision of the bill that proposed to establish an annual fee for a general permit for industrial storm water discharges. The amendment would allow municipalities one year to bring their local storm water ordinances into compliance with any new or amended storm water rules that the Department of Environmental Protection adopts after the effective date of this amendment. It proposed to designate storm water rules as routine technical rules except for rules that are state mandates and it proposed to designate certain rules regarding the storage of petroleum products and quarries and borrow pits as routine technical rules until March 1, 2007. It also proposed to direct the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over

## *Joint Standing Committee on Natural Resources*

natural resources matters on what, if any, activities or standard industrial codes should be added to the industrial storm water program.

**Senate Amendment "A" to Committee Amendment "A" (S-594)** proposed to allow the Department of Environmental Protection, if rules are enacted or amended that will significantly alter a plan for development that has already received a permit, to require the permittee to comply with the rules that were in effect at the time the permit was issued and, if practicable, additional requirements in the new or amended rules.

### ***Enacted law summary***

Public Law 2005, chapter 602 establishes an annual fee of up to \$300 for a general permit for industrial storm water discharges issued pursuant to the waste discharge laws. It also allows municipalities one year to bring their local storm water ordinances into compliance with any new or amended storm water rules that the Department of Environmental Protection adopts after the effective date of this legislation. It designates storm water rules as routine technical rules except for rules that are state mandates and it designates certain rules regarding the storage of petroleum products and quarries and borrow pits as routine technical rules until March 1, 2007. It directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on what, if any, activities or standard industrial codes should be added to the industrial storm water program. It also allows the Department of Environmental Protection, if rules are enacted or amended that will significantly alter a plan for development that has already received a permit, to require the permittee to comply with the rules that were in effect at the time the permit was issued and, if practicable, additional requirements in the new or amended rules.

**LD 2037**

**Resolve, Regarding Source Water Protection Recommendations**

**RESOLVE 140**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 2037 was reported out by the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. It proposed to direct the Drinking Water Program within the Department of Health and Human Services, in consultation with the Department of Environmental Protection, the Department of Conservation, Maine Geological Survey and the Department of Agriculture, Food and Rural Resources, to establish a process to allow public comment on recommendations described in a report dated February 2006 and submitted to the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. The bill also proposed to direct the program to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters that includes subsequent recommendations, takes into account coordination between water quantity and water quality and includes any necessary draft legislation. It also proposed to provide the joint standing committee of the Legislature having jurisdiction over natural resources matters the authority to report out legislation regarding the recommendations to the First Regular Session of the 123rd Legislature.

### ***Enacted law summary***

Resolve 2005, chapter 140 was reported out by the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. It directs the Drinking Water Program within the Department of Health and Human Services, in consultation with the Department of Environmental Protection, the Department of Conservation, Maine Geological Survey and the Department of Agriculture, Food and Rural Resources, to establish a process to allow public comment on recommendations described in a report dated February 2006 and submitted to the Joint