

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

July 2007

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# STATE OF MAINE

123<sup>RD</sup> LEGISLATURE

FIRST REGULAR SESSION

## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

# Joint Standing Committee on Natural Resources

## Committee Amendment "A" (H-64)

This amendment deletes from the bill the authority of municipal officers to delegate to a municipal official the authority to appoint an alternate director or alternate directors to a public waste disposal corporation.

### Enacted Law Summary

Public Law 2007, chapter 91 allows the municipal officers of a municipality participating in a public waste disposal corporation to appoint one or more alternate directors to serve in the absence of the director elected by the municipal officers.

## LD 326      **An Act To Enhance Implementation of the Significant Wildlife Habitat Rules**      ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER SNOWE-MELLO	ONTP	

This bill exempts building lots that were established prior to September 1, 2007 from the significant vernal pool habitat regulations adopted by the Department of Environmental Protection. It also adds language clarifying that all department rules regarding significant vernal pool habitat, high and moderate waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas are major substantive rules.

## LD 333      **An Act To Reward Cooperation in Comprehensive Planning**      ONTP

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

This bill implements a recommendation of the Community Preservation Advisory Committee. It requires that a financial assistance grant for comprehensive planning that is provided to a multimunicipal region must be greater than that of a grant provided to an individual municipality.

## **LD 340**      **An Act To Require the Replacement of Trees Cut in Shoreland Areas**      PUBLIC 92

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL	OTP-AM	H-77

This bill requires a person who cuts a tree in violation of the laws regulating shoreland zoning to replace the tree with a tree of substantially similar size and species.

### Committee Amendment "A" (H-77)

This amendment replaces the bill. The amendment requires a person who cuts a tree or understory vegetation in violation of the laws regulating shoreland zoning or a shoreland zoning ordinance to replace the tree or understory vegetation with a tree or understory vegetation of substantially similar size and species to the extent available and feasible. In addition, the violator must submit a reforestation plan to the municipality. Timber harvesting is exempted from the requirements.

### Enacted Law Summary

## *Joint Standing Committee on Natural Resources*

Public Law 2007, chapter 92 requires a person who cuts a tree or understory vegetation in violation of the laws regulating shoreland zoning or a shoreland zoning ordinance to replace the tree or understory vegetation with a tree or understory vegetation of substantially similar size and species to the extent available and feasible. In addition, the violator must submit a reforestation plan to the municipality. Timber harvesting is exempted from the requirements.

**LD 345      An Act To Clarify Recent Changes to the Laws Regulating Land Use Ordinances**

**PUBLIC 77  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM	H-60

This bill addresses the issue of state regulation of local rate of growth ordinances, which limit the number of building permits issued each year. The Maine Revised Statutes, Title 30-A, section 4360, subsection 3 (enacted by Public Law 2005, chapter 597) provides that local rate of growth ordinances must be based upon the number of building or development permits issued over the past 10 years. The current language could be interpreted to mean all building permits, including permits for minor construction activity such as adding a deck onto an existing dwelling, which are not limited by rate of growth ordinances. This bill clarifies that local rate of growth ordinances must be based upon the number of building permits issued only for new residential dwellings over the past 10 years.

**Committee Amendment "A" (H-60)**

This amendment adds an emergency preamble and emergency clause to the bill.

**Enacted Law Summary**

Public Law 2007, chapter 77 clarifies that local rate of growth ordinances must be based upon the number of building permits issued only for new residential dwellings over the past 10 years.

Public Law 2007, chapter 77 was enacted as an emergency measure effective May 8, 2007.

**LD 359      An Act To Link Sewer Extension Funding to Comprehensive Planning**

**ONTP**

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

This bill implements a recommendation of the Community Preservation Advisory Committee. The bill provides that the State may invest in a sewer line extension only when the extension is consistent with a comprehensive plan.

**LD 399      An Act To Require Impact Statements from Potential Purchasers of Public Utilities and Those Who Apply To Extract Natural Resources**

**ONTP**

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

This bill requires that an impact statement be submitted prior to the transfer of ownership of a public utility or