

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

July 2007

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STATE OF MAINE

123RD 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 123rd 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.

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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

Joint Standing Committee on Natural Resources

the issuance of a lease, permit or license to commercially extract natural resources.

LD 437 **Resolve, Concerning the Reporting of Oil Spills**

RESOLVE 99

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-197

This bill provides that a person who causes certain discharges of oil will not be subject to fines or civil penalties if certain requirements are met.

Committee Amendment "A" (S-197)

This amendment replaces the bill with a resolve. The amendment requires the Department of Environmental Protection to establish guidance concerning the use of memoranda of agreement between aboveground oil and storage and handling facilities and the department. It also requires the department to undertake education and outreach to small facilities concerning the reporting requirements relating to the discharge of oil.

Enacted Law Summary

Resolve 2007, chapter 99 requires the Department of Environmental Protection to establish guidance concerning the use of memoranda of agreement between aboveground oil and storage and handling facilities and the department relating to the reporting of oil spills and discharges. It also requires the department to undertake education and outreach to small facilities concerning the reporting requirements relating to the discharge of oil.

LD 443 **An Act To Require the Department of Environmental Protection To Meet the Federal Requirements on Regional Haze Visibility Impairment**

PUBLIC 95

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-50

This bill provides that the current sulfur content cap applies to sources that are required to satisfy case-by-case requirements of best available retrofit technology. It also requires the Department of Environmental Protection to report to the Legislature on its plan to meet the federal requirements on regional haze visibility impairment no later than March 1, 2008.

Committee Amendment "A" (S-50)

This amendment replaces the bill. The amendment defines "Best Available Retrofit Technology" and "BART eligible unit." It sets BART requirements for facilities that are determined to need additional sulfur air pollution controls. It requires the Department of Environmental Protection to report on a plan to meet federal requirements on regional haze. It gives the Joint Standing Committee on Natural Resources authority to submit legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Public Law 2007, chapter 95 defines "Best Available Retrofit Technology" and "BART eligible unit." It sets BART requirements for facilities that are determined to need additional sulfur air pollution controls. It requires the Department of Environmental Protection to report on a plan to meet federal requirements on regional haze. It gives the Joint Standing Committee on Natural Resources authority to submit legislation to the Second Regular Session of the 123rd Legislature.