

# 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*

**LD 1090 An Act To Authorize the State's Participation in the Regional Greenhouse Gas Initiative**

ONTP

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

This bill authorizes the State's participation in the Regional Greenhouse Gas Initiative. It establishes a carbon dioxide cap and trade program and establishes annual budgets for emissions of carbon associated with the electric power sector in the State.

**LD 1108 An Act To Change the Calculation of the Municipal Rate of Growth Ordinance Limit**

PUBLIC 155

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	OTP-AM	S-90

This bill provides that the building permit limit in the Town of York is calculated by using the number of permits issued to the general public and not including the number of permits issued pursuant to certain exemptions to the residential growth ordinance of the Town of York.

**Committee Amendment "A" (S-90)**

This amendment replaces the bill. The amendment provides that the building permit limit is calculated by excluding permits issued for affordable housing and also differs from the bill in that it applies to all towns in the State.

**Enacted Law Summary**

Public Law 2007, chapter 155 provides that the building permit limit in any town's rate of growth ordinance is calculated by excluding permits issued for affordable housing.

**LD 1168 An Act To Amend New Motor Vehicle Laws Regarding Emission Standards**

ONTP

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

This bill prohibits a person from registering a new motor vehicle unless the person proves to the Secretary of State that the motor vehicle is a California-emission certified vehicle. The bill includes registration denial as an enforcement mechanism to prevent a resident from purchasing outside the State a motor vehicle that does not comply with the low-emission vehicle program described in the Maine Revised Statutes, Title 38, section 585-D and registering that motor vehicle in Maine.

**LD 1196 An Act To Protect Host Communities' Sovereign Rights**

ONTP

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

## *Joint Standing Committee on Natural Resources*

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to enact measures designed to protect the rights of communities that are the geographic sites of solid waste disposal or incineration facilities.

**LD 1200     An Act To Authorize the Department of Environmental Protection To Exclude Repeat Violators of Environmental Laws from Receiving Contracts with the Department**

**PUBLIC 300**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-170

This bill requires the Commissioner of Environmental Protection to debar from state contracts for 2 years any person that commits a repeat violation of environmental laws.

**Committee Amendment "A" (S-170)**

This amendment replaces the bill. The amendment authorizes the Commissioner of Environmental Protection to debar from department contracts, rather than State contracts generally, as in the bill, for 2 years any person that commits a repeat violation of environmental laws.

**Enacted Law Summary**

Public Law 2007, chapter 300 authorizes the Commissioner of Environmental Protection to debar from department contracts for 2 years any person that commits a repeat violation of environmental laws.

**LD 1204     Resolve, To Impose a Moratorium on the Acceptance or Processing of an Application To Increase or Revise Licensing of New or Existing Incineration Facilities**

**ONTP**

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

This resolve imposes a moratorium on the acceptance or processing of applications for new incinerator facilities and on increasing the capacity or amending the license of an existing incinerator facility.

**LD 1219     Resolve, To Study Flood Control and Water Storage**

**RESOLVE 80**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-135

This bill adds flood control to the list of suitable designated uses for Class GPA waters.

**Committee Amendment "A" (S-135)**

The amendment changes the bill to a resolve. The amendment directs the Department of Environmental Protection and the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to undertake a study for the purpose of identifying ways to reduce the threat of flooding in the State. In conducting the study, the agencies are directed to invite the participation of interested stakeholders. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008 and the committee is authorized to submit legislation related to the report to the Second Regular