

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.

Joint Standing Committee on Natural Resources

This bill requires the State to compensate a person that owns land designated as a significant wildlife habitat with an annual rent in an amount equal to the fair market value of the loss of use of the land.

LD 1431

An Act To Provide for the Protection of Communities That Host a Solid Waste Disposal Facility

PUBLIC 406

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO HOBBINS	OTP-AM	H-493

This bill requires solid waste disposal facilities and incineration facilities to have in place host community agreements and directs the Commissioner of Environmental Protection to establish a mediation process to hear and review disputes concerning host community agreements.

Committee Amendment "A" (H-493)

This amendment replaces the bill. The amendment expands on the provisions of the bill that deal with host community agreements.

1. It changes the definition of "host community."
2. It prohibits the Department of Environmental Protection from issuing a license unless a host community agreement is in place.
3. It requires commercial and publicly owned solid waste disposal facilities, including municipal and state-owned facilities, to have in place host community agreements during the development and operation and through closure of the facility.
4. If the host community and the facility cannot agree on the terms of agreement, this amendment requires the parties to submit to mediation and to arbitration if mediation is not successful.
5. It adds a provision requiring consideration of case-specific issues in connection with host community benefits for state-owned facilities.
6. It adds a mandate preamble.

Enacted Law Summary

Public Law 2007, chapter 406 accomplishes the following relating to host community agreements.

1. It defines "host community."
2. It prohibits the Department of Environmental Protection from issuing a license for a solid waste disposal facility unless a host community agreement is in place.
3. It requires commercial and publicly owned solid waste disposal facilities, including municipal and state-owned facilities, to have in place host community agreements during the development and operation and through closure of the facility.
4. If the host community and the facility cannot agree on the terms of agreement, it requires the parties to submit to mediation and to arbitration if mediation is not successful.

Joint Standing Committee on Natural Resources

5. It requires consideration of case-specific issues in connection with host community benefits for state-owned facilities.

Chapter 406 was enacted with a mandate preamble.

LD 1477 An Act Concerning the Natural Resources Protection Laws and Related Provisions

**PUBLIC 290
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM	H-388 S-224 RAYE

This bill:

1. Clarifies the definition of "permanent structure" for the natural resources protection laws;
2. Amends the section concerning identification by maps to be consistent with previous amendments to the definition of "significant wildlife habitat" in the natural resources protection laws by qualifying the mapping requirement through a reference to the Maine Revised Statutes, Title 38, section 480-B, subsection 10, paragraphs A and B. It also removes out-of-date language concerning jurisdiction and mapping requirements that applied to wetlands of 10 acres or more when section 480-B was amended in 1995;
3. Repeals the exemption for alteration of freshwater wetlands associated with the construction, operation, maintenance or repair of an interstate pipeline;
4. Amends an applicability section to be consistent with previous amendments to the definition of "significant wildlife habitat";
5. Amends Title 38, section 490-D, subsection 1 of the borrow pit law to provide that the Department of Environmental Protection may allow excavation in a significant wildlife habitat provided a permit is obtained pursuant to the protection of natural resources laws;
6. Amends Title 38, section 490-Z, subsection 1 of the quarry law to provide that the Department of Environmental Protection may allow excavation in a significant wildlife habitat provided a permit is obtained pursuant to the protection of natural resources laws;
7. Enacts a section providing supplemental provisions concerning shorebird feeding, staging and roosting areas. It includes supplemental definitions and permitting standards for cutting within roosting buffers and feeding buffers that apply in addition to otherwise applicable standards under the protection of natural resources laws;
8. Enacts a section to allow the Department of Inland Fisheries and Wildlife to determine that an area is not a significant wildlife habitat due to the impact of development in existence on June 8, 2006 and continuing in existence on the date of the determination, although the area otherwise conforms with significant wildlife criteria adopted by the Department of Environmental Protection for shorebird nesting, feeding and staging areas or high and moderate value inland waterfowl and wading bird habitat. Certain factors and requirements are specified;
9. Amends Resolve 2005, chapter 183, which approved amendments to chapter 335, Significant Wildlife Habitat, a major substantive rule of the Department of Environmental Protection, to clarify that an activity in, on, over or adjacent to a significant vernal pool habitat or potential significant vernal pool habitat is eligible for