

# 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

pool habitat or a high or moderate value waterfowl and wading bird habitat is identified by the Department of Inland Fisheries and Wildlife after the effective date of chapter 290;

12. 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 permit by rule if certain habitat standards are met by adding a citation to the regulatory standards;

13. Provides that changes to the Maine Revised Statutes, Title 38, sections 480-CC and 480-DD and changes to Resolve 2005, chapter 183 are applicable as of June 8, 2006. It also provides that changes to the Department of Environmental Protection's rules on significant wildlife habitat that are adopted pursuant to this legislation as well as additional corrections, clarifications and minor changes of the significant wildlife habitat rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. It also provides that the Department of Environmental Protection's rules concerning permit by rule must be amended to allow certain specified activities to be authorized under permit by rules if applicable standards are met. The Department of Environmental Protection's rules on permit by rule and amendments to those rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

14. Requires the Department of Environmental Protection to amend its rules to clarify that significant wildlife habitat that is not fully contained within a freshwater wetland is not subject to the department's adjacency jurisdiction under the Maine Revised Statutes, Title 38, section 480-C; and

15. Requires the Department of Environmental Protection to develop a proposal for mitigation and compensation standards for tidal and freshwater significant wildlife habitat.

Public Law 2007, chapter 290 was enacted as an emergency measure effective June 14, 2007.

### LD 1488 An Act To Reduce Contamination in the Home from the Release of Brominated Flame Retardants

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

ONTP

This bill further restricts the sale of products containing a class of chemical flame retardants known as polybrominated diphenyl ethers. The bill exempts products made from recycled material and certain replacement parts from the restrictions. The bill changes the reporting requirement on brominated flame retardants from annually to every 2 years. The bill authorizes the Department of Environmental Protection to require a manufacturer to provide a certificate of compliance if there are grounds to suspect that a product is being offered for sale in violation of the law.

### LD 1500 An Act To Allow the Department of Environmental Protection To Charge Interest for Late Payment of Fees

PUBLIC 187

Sponsor(s)

Committee Report

Amendments Adopted

MARTIN

OTP

The bill requires the Department of Environmental Protection to charge interest at a rate of 15% per annum and authorizes the department to pursue enforcement, including suspension or revocation of a license, for the failure of a licensee to pay licensing fees by the due date.

#### Enacted Law Summary

## *Joint Standing Committee on Natural Resources*

Public Law 2007, chapter 187 requires the Department of Environmental Protection to charge interest at a rate of 15% per annum and authorizes the department to pursue enforcement, including suspension or revocation of a license, for the failure of a licensee to pay licensing fees by the due date.

### **LD 1508     An Act To Protect the Scenic Value of the Kennebec River**

**PUBLIC 364  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	H-422     KOFFMAN S-147

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to enact measures designed to protect the scenic value of the Kennebec River. In order to accomplish this, the Department of Environmental Protection is directed to:

1. Require greater buffer zones with natural vegetation on the riverbank;
2. Take measures to protect the integrity of the river; and
3. Restore and remediate the existing gravel pits along the river.

#### **Committee Amendment "A" (S-147)**

This amendment replaces the bill. Under current law, the Kennebec River from Bay Point in Georgetown to the Father Curran Bridge in Augusta is designated as an outstanding river segment. The amendment would continue the designation from Bay Point in Georgetown to the confluence of the Kennebec River with the Sebasticook River in Winslow as an outstanding river segment. It also directs the Department of Environmental Protection to review the setback and buffer standards for excavations and quarries, including how setbacks and buffers for areas of steep slopes are addressed, and report to the Joint Standing Committee on Natural Resources by January 15, 2008. It also authorizes the committee to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

#### **House Amendment "A" (H-422)**

This amendment adds an emergency preamble and emergency clause. The amendment requires that a 100-foot-wide natural buffer be maintained between the working edge of an excavation for borrow, clay, topsoil or silt and the normal high water line of a segment of the Kennebec River identified in the Maine Revised Statutes, Title 12, section 403, subsection 7.

The amendment also requires that a 100-foot-wide natural buffer be maintained between the working edge of a quarry excavation and the normal high water line of a segment of the Kennebec River identified in Title 12, section 403, subsection 7.

#### **Enacted Law Summary**

Public Law 2007, chapter 364 designates the Kennebec River from Bay Point in Georgetown to the confluence of the Kennebec River with the Sebasticook River in Winslow as an outstanding river segment. It requires that a 100-foot-wide natural buffer be maintained between the working edge of an excavation for borrow, clay, topsoil or silt and the normal high water line of a segment of the Kennebec River identified in the Maine Revised Statutes, Title 12, section 403, subsection 7. It also requires that a 100-foot-wide natural buffer be maintained between the working edge of a quarry excavation and the normal high water line of a segment of the Kennebec River identified in Title 12, section 403, subsection 7. Chapter 364 also directs the Department of Environmental Protection to review the setback and buffer standards for excavations and quarries, including