

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

July 2009

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STAFF:

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE

124TH 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 124th Maine Legislature.

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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. 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

12. It upgrades the classification of the Little River and its tributaries in Berwick, North Berwick and Lebanon from Class B to Class A.
13. It clarifies that the segment of Trout Brook that serves as the town border between Cape Elizabeth and South Portland is Class C.
14. It clarifies that all of Stroudwater River in Portland, including its tributaries, is Class B.
15. It upgrades the classification of the upper reaches of the Nonesuch River to a point 1/2 mile downstream of Mitchell Hill Road crossing from Class C to Class B and upgrades the Stroudwater River and its tributaries in Scarborough to Class B.
16. It clarifies that Trout Brook downstream of the first point where the brook becomes the town boundary between South Portland and Cape Elizabeth is Class C.
17. It upgrades the Pemaquid River in Bristol, including tributaries, below Pemaquid Pond from Class B to Class A.
18. It upgrades the classification of Black Brook, Kendall Brook and Tucker Brook in Lincolnville from Class B to Class A.
19. It upgrades the classification of tidal waters of The Basin, including The Narrows, east of a line drawn between 69°-51'-57" W. and 43°-48'-14" N. from Class SB to Class SA.
20. It specifies that Long Creek's main stem in Westbrook is Class C.
21. It provides for a report to the Joint Standing Committee on Natural Resources from the Department of Environmental Protection by January 15, 2010 concerning a review of reclassification procedures.
22. It directs the Department of Environmental Protection to establish and implement a water quality sampling program for the lower Androscoggin River, to initiate the procedures for reclassification and to report to the Joint Standing Committee on Natural Resources. It authorizes the committee to report out legislation relating to the water sampling program to the Second Regular Session of the 124th Legislature.

LD 348

An Act To Facilitate the Removal of Dams That Pose a Hazard to Public Safety and the Installation and Repair of Fishways

PUBLIC 75

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-21

This bill amends the Natural Resources Protection Act to specify that a permit is not required for:

1. The erection, maintenance, repair or alteration of a fishway in a dam or other artificial obstruction when required or performed by the Commissioner of Inland Fisheries and Wildlife or the Commissioner of Marine Resources;
2. Activity associated with the release of water from an abandoned dam pursuant to an order issued by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 905; and
3. Activity associated with the breach or removal of a dam pursuant to a dam safety order issued by the Commissioner of Defense, Veterans and Emergency Management under Title 37-B, chapter 24.

Joint Standing Committee on Natural Resources

Committee Amendment "A" (S-21)

This amendment amends the exemption for fishway proceedings in the bill to be consistent with the provisions in the Maine Revised Statutes, Title 12, section 12760 and Title 12, section 6121. The bill exempts from the Natural Resources Protection Act the erection, maintenance, repair or alteration of a fishway in a dam when required or performed by the Commissioner of Inland Fisheries and Wildlife or the Commissioner of Marine Resources; the amendment removes "or performed." The amendment also amends the exemption for abandoned dams by removing the term "abandoned" to be consistent with provisions in Title 38, section 905.

Enacted Law Summary

Public Law 2009, chapter 75 amends the Natural Resources Protection Act to specify that a permit is not required for:

1. The erection, maintenance, repair or alteration of a fishway in a dam or other artificial obstruction when required by the Commissioner of Inland Fisheries and Wildlife or the Commissioner of Marine Resources;
2. Activity associated with the release of water from a dam pursuant to an order issued by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 905; and
3. Activity associated with the breach or removal of a dam pursuant to a dam safety order issued by the Commissioner of Defense, Veterans and Emergency Management under Title 37-B, chapter 24.

LD 351 An Act Regarding the Regulation of Agricultural Composting Operations

ACCEPTED ONTP
REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	ONTP MAJ OTP-AM MIN	

This bill was jointly referred to the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Agriculture, Conservation and Forestry. The bill requires commercial agricultural composting operations to register with the Department of Agriculture, Food and Rural Resources and directs the Commissioner of Agriculture, Food and Rural Resources to adopt rules concerning best management practices for commercial agricultural composting operations. It authorizes the commissioner or the commissioner's designee to enter the premises of a commercial agricultural composting operation to inspect for compliance with best management practices. It removes commercial agricultural composting operations from regulation by the Department of Environmental Protection as waste facilities.

Committee Amendment "A" (S-165)

The amendment replaces the bill with a resolve and changes the title. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Natural Resources to submit legislation relating to the regulation of agricultural composting operations to the Second Regular Session of the 124th Legislature. This amendment was not adopted.