

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND 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 Second 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 HOUSES..... 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 Second Regular Session of the 124th Legislature is Monday, July 12, 2010. 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 891

Resolve, To Develop Practices for Developments of State and Regional Significance in Order To Reduce Dependency on Fossil Fuels and Meet the State's Greenhouse Gas Emissions Reduction Goals

RESOLVE 206

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM MAJ ONTP MIN	H-801 DUCHESNE S-386

This bill was carried over from the First Regular Session. The bill adds a new standard to the laws governing site location of development to allow the Department of Environmental Protection to review and consider the greenhouse gas emissions likely to occur as a result of the project. The bill also provides a related provision concerning mitigation.

Committee Amendment "A" (S-386)

This amendment is the majority report of the committee. The amendment replaces the bill with a resolve.

1. It directs the Department of Environmental Protection, in consultation with others, to compile from existing sources a set of standards for the design and operation of developments subject to the site location of development laws such that the emissions of a building designed, constructed and operated under the standards will be carbon-neutral.
2. It directs the Department of Environmental Protection, in consultation with others, to develop a series of best management practices for the design and site layout of developments subject to the site location of development laws that will contribute to minimizing the emission of greenhouse gases and maximizing energy efficiency.
3. It directs the Department of Environmental Protection, in consultation with others, to evaluate the energy performance of the Maine Uniform Building and Energy Code in relation to other energy benchmarking systems in order to recommend whether developments subject to the site location of development laws should have a different standard.
4. It requires the Department of Environmental Protection to report on each of the 3 subject areas to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2011 and authorizes the committee to submit a bill relating to the reports to the First Regular Session of the 125th Legislature.
5. It directs the Maine Land Use Regulation Commission to recommend ways to ensure that the location of future development in the commission's jurisdiction minimizes overall energy use, reduces greenhouse gas emissions and maximizes energy efficiency. It requires the commission to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 1, 2012 and authorizes the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters to submit a bill relating to the report to the Second Regular Session of the 125th Legislature.

House Amendment "A" To Committee Amendment "A" (H-801)

This amendment requires the Department of Environmental Protection to:

1. Identify alternative approaches and provide recommendations regarding ways to ensure that the design and operation of site law developments further the state climate action plan;

Joint Standing Committee on Natural Resources

2. Develop best management practices for the design and site layout of site law developments;
3. Evaluate the energy performance of the Maine Uniform Building and Energy Code in relation to other benchmarking systems and recommend whether site law developments that are designed and operated to those benchmarking systems will further the state climate action plan; and
4. Submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2011.

This amendment removes language requiring that the Maine Land Use Regulation Commission identify alternative approaches and provide recommendations regarding development under its jurisdiction. This amendment also removes authority for the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit a bill to the First Regular Session of the 125th Legislature and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters to submit a bill to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2009, chapter 206 requires the Department of Environmental Protection to:

1. Identify alternative approaches and provide recommendations regarding ways to ensure that the design and operation of site law developments further the state climate action plan;
2. Develop best management practices for the design and site layout of site law developments;
3. Evaluate the energy performance of the Maine Uniform Building and Energy Code in relation to other benchmarking systems and recommend whether site law developments that are designed and operated to those benchmarking systems will further the state climate action plan; and
4. Submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2011.

**LD 956 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Provide Constitutional Protection to the Funds Generated by the
Regional Greenhouse Gas Initiative**

ONTP

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

This resolution was carried over from the First Regular Session. The resolution proposes to amend the Constitution of Maine to ensure that all revenues derived from the Regional Greenhouse Gas Initiative be expended solely to support the goals and implementation of the Regional Greenhouse Gas Initiative.