

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

July 2009

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
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## 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 124<sup>th</sup> 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 124<sup>th</sup> 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*

**LD 1267 An Act To Establish a Groundwater Withdrawal Program and To Recognize Groundwater as a Public Trust Resource**

**ONTP**

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

This bill is based on Vermont law. It declares the State's groundwater to be a public trust resource. It sets up reporting and permitting requirements for large groundwater withdrawals and repeals current Maine law regarding reporting of groundwater withdrawals and permitting of significant groundwater wells. It requires site law review for certain groundwater withdrawals of more than 340,000 gallons per day.

**LD 1268 An Act To Update the Site Location of Development Laws**

**PUBLIC 293**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE	OTP-AM	H-339

This bill changes the site location of development laws in the following ways.

It eliminates the definition of "significant ground water aquifer." It eliminates the exceptions for a lot of 40 or more acres in the definition of "subdivision." It changes the exception for a sale or lease of a lot to an abutter in the definition of "subdivision" by clarifying that the lot may not be further divided or transferred within a 5-year period, except as otherwise provided. It changes the exception for a common lot created with a conservation easement in the definition of "subdivision." It removes the requirement that the lot be a common lot and adds the requirement that the conservation easement be approved by the Department of Environmental Protection. It adds a provision specifying the minimal planning requirements that must be met for a permit to be approved by the department. It changes the groundwater standard by changing a requirement to avoid an unreasonable risk of discharge to a significant ground water aquifer to a requirement to avoid an unreasonable risk of discharge to groundwater. It provides that the Department of Environmental Protection may require a bond or such other security if the department determines that a proposed development will present an unacceptable risk of unreasonable impacts to the natural environment or existing uses without such security. It makes several changes to a provision addressing approval of future development sites to refocus it on long-term construction projects. It authorizes the Department of Environmental Protection to issue a general permit for all or a subclass of developments constructed or caused to be constructed or operated or caused to be operated by the Department of Transportation that require approval under the site location of development laws. It eliminates the low-density subdivision exemption and corrects cross-references to that law. It adds a one-time reporting requirement concerning provisions in the site location and development laws and storm water management laws that provide for the registration of municipalities for the authority to substitute local permits for state permits and exempt developments or projects from permitting or specified standards within certain municipalities or portions of municipalities. The Joint Standing Committee on Natural Resources is authorized to submit legislation relating to the report to the Second Regular Session of the 124th Legislature.

**Committee Amendment "A" (H-339)**

This amendment does the following.

## *Joint Standing Committee on Natural Resources*

1. The amendment strikes the provisions in the bill that:
  - A. Eliminated the definition of "significant ground water aquifer" and changed the groundwater standard;
  - B. Eliminated the exceptions for a lot of 40 or more acres in the definition of "subdivision";
  - C. Changed the exception for a sale or lease of a lot to an abutter in the definition of "subdivision";
  - D. Changed the exception for a common lot created with a conservation easement in the definition of "subdivision";
  - E. Eliminated the low-density subdivision exemption;
  - F. Authorized the Department of Environmental Protection to require a bond or other security for proposed development; and
  - G. Prohibited the Department of Environmental Protection from approving development permits unless the development is located or designed as described in the bill.
2. The amendment also authorizes the Department of Environmental Protection to issue a general permit for developments constructed by the Maine Turnpike Authority and amends the laws relating to quarries and gravel pits to allow excavation to occur in protected areas as long as a Natural Resources Protection Act permit is obtained.
3. The amendment retains the provisions of the bill that:
  - A. Relate to long-term construction projects;
  - B. Authorize the Department of Environmental Protection to issue a general permit for developments constructed by the Department of Transportation;
  - C. Require a one-time report from the Department of Environmental Protection relating to provisions in the storm water management laws and the site location of development laws that provide for the registration of municipalities for authority to substitute local permits for state permits; and
  - D. Make technical corrections.

### **Enacted Law Summary**

Public Law 2009, chapter 293 authorizes the Department of Environmental Protection to issue a general permit for developments constructed by the Department of Transportation or the Maine Turnpike Authority that require approval under the site location of development law. It amends the laws relating to quarries and gravel pits to allow excavation to occur in protected areas as long as a Natural Resources Protection Act permit is obtained. It makes changes to a provision addressing approval of future development sites to refocus it on long-term construction projects. It requires a one-time report from the Department of Environmental Protection relating to provisions in the storm water management laws and the site location of development laws that provide for the registration of municipalities for authority to substitute local permits for state permits and it authorizes the Joint Standing Committee on Natural Resources to submit legislation relating to the report.