

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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STATE OF MAINE

124TH 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 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

less than \$1,000;

3. Authorizes the commencement of a civil action against any person, including any governmental instrumentality or agency, who is alleged to be in violation of the requirement for dams to provide safe and effective passage for all diadromous fish and authorizes a fine of up to \$10,000 per day per violation;
4. Expands the grounds for which the Board of Environmental Protection may modify, revoke or suspend a license to include that the licensed discharge or activity is causing a violation of the water quality classification system;
5. Authorizes a person to petition the Board of Environmental Protection to modify, revoke or suspend a license; and
6. Directs the Board of Environmental Protection to modify the water quality certification of dams used to generate hydroelectric power in the State to condition water quality certification on the agreement by the dam to provide safe and effective passage for all diadromous fish species indigenous to the body of water on which the dam is located, and within the historic ranges of those fish species, and to submit a license amendment application to the Federal Energy Regulatory Commission to incorporate that condition into the federal operating license for the dam.

LD 1310 Resolve, Relating to a Review of International Trade Agreements and the Management of Groundwater Resources

**RESOLVE 132
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER SHERMAN	OTP-AM	H-434

This resolve establishes a commission to study the legal and policy implications of groundwater extraction in the State and to recommend any changes to state law necessary to balance the State's interest in protecting the public good and maintaining jurisdictional control over environmental impacts with protecting the rights of property owners.

Committee Amendment "A" (H-434)

This amendment replaces the resolve and changes the title. The amendment directs the Water Resources Planning Committee of the Land and Water Resources Council, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission, to conduct an examination of the potential legal impacts of international trade agreements on the State's ability to manage its groundwater resources. The examination may include a review and assessment of property rights related to the ownership of groundwater, the various common law doctrines relating to groundwater and issues related to natural resources other than groundwater, as those subjects relate to or impact international trade agreement issues. The amendment authorizes outside funding accepted by the Citizen Trade Policy Commission, pursuant to its current statutory authority to accept outside funding, to be used to contract with experts in the field of international trade agreements. The amendment requires the Water Resources Planning Committee, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission, to submit a report related to the review to the Joint Standing Committee on Natural Resources by January 1, 2010, and the committee is authorized to report out legislation to the Second Regular Session of the 124th Legislature. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Resolve 2009, chapter 132 directs the Water Resources Planning Committee of the Land and Water Resources Council, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission, to conduct an examination of the potential legal impacts of international trade agreements on the State's ability to manage its groundwater resources. The examination may include a review and assessment of property rights related

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to the ownership of groundwater, the various common law doctrines relating to groundwater and issues related to natural resources other than groundwater, as those subjects relate to or impact international trade agreement issues. Chapter 132 authorizes outside funding accepted by the Citizen Trade Policy Commission, pursuant to its current statutory authority to accept outside funding, to be used to contract with experts in the field of international trade agreements. Chapter 132 requires the Water Resources Planning Committee, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission, to submit a report related to the review to the Joint Standing Committee on Natural Resources by January 1, 2010, and the committee is authorized to report out legislation to the Second Regular Session of the 124th Legislature.

Resolve 2009, chapter 132 was finally passed as an emergency measure effective June 15, 2009.

LD 1311 *An Act To Enable Municipal Assistance for Purposes of Protecting or Restoring Public Waters*

PUBLIC 225

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE GOODALL	OTP-AM	H-263

This bill allows a municipality to repair a private road, way or bridge for a fee or through the expenditure of public funds to protect the water quality of a great pond if the following criteria are met:

1. The private road, way or bridge is in the watershed of the great pond;
2. The great pond is listed by the Department of Environmental Protection as a body of water most at risk or as impaired in a report to the United States Environmental Protection Agency or the department identifies the great pond as having threats to its water quality in a watershed survey;
3. The Department of Environmental Protection or the municipality determines the private road, way or bridge is contributing to the degradation of the great pond's water quality;
4. The repair complies with best management practices as required by the Department of Environmental Protection; and
5. The private road, way or bridge is maintained by a statutorily established road association.

Committee Amendment "A" (H-263)

This amendment removes the provision in the bill authorizing a municipality to repair a private road, way or bridge for a fee to protect the water quality of a great pond.

Enacted Law Summary

Public Law 2009, chapter 225 allows a municipality to repair a private road, way or bridge through the expenditure of public funds to protect the water quality of a great pond if the following criteria are met:

1. The private road, way or bridge is in the watershed of the great pond;
2. The great pond is listed by the Department of Environmental Protection as a body of water most at risk or as impaired in a report to the United States Environmental Protection Agency or the department identifies the great pond as having threats to its water quality in a watershed survey;
3. The Department of Environmental Protection or the municipality determines the private road, way or bridge is