

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:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

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.

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Resolve 2009, chapter 149 authorizes final adoption of portions of Chapter 700: Wellhead Protection: Siting of Facilities That Pose a Significant Threat to Drinking Water, a major substantive rule of the Department of Environmental Protection.

Resolve 2009, chapter 149 was finally passed as an emergency measure effective February 18, 2010.

**LD 1527 *Resolve, Regarding Legislative Review of Portions of Chapter 692:
Siting of Oil Storage Facilities, a Major Substantive Rule of the
Department of Environmental Protection***

**RESOLVE 148
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 692: Siting of Oil Storage Facilities, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2009, chapter 148 authorizes final adoption of portions of Chapter 692: Siting of Oil Storage Facilities, a major substantive rule of the Department of Environmental Protection.

Resolve 2009, chapter 148 was finally passed as an emergency measure effective February 18, 2010.

LD 1538 *An Act To Close Loopholes in Environmental Laws*

PUBLIC 537

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH NASS R	OTP-AM	H-665

This bill clarifies the "permit shield" provision of the waste discharge law to replace a reference to "this chapter" with a reference to the relevant sections. The bill also clarifies the forest management exemption of the storm water management law to include some language from a similar exemption in the Natural Resources Protection Act. The bill provides that when a municipal planning board is determining whether two or more contiguous nonconforming lots must be treated as a single lot under shoreland zoning because they are owned by the same person, the planning board may consider whether the same person owns or has a financial interest in both lots, even if such ownership or financial interest is jointly held with other persons or as a member, officer or shareholder of a corporation. The bill clarifies the exemption from the Natural Resources Protection Act for road construction used primarily for forest management activities and not used to access development. The exemption currently does not apply to roads that provide access to development in a subdivision, and the bill changes the text from "to development in a subdivision" to "to a subdivision."

Committee Amendment "A" (H-665)

This amendment strikes the provision in the bill that provides guidance to municipal planning boards when determining whether two or more contiguous nonconforming lots are owned by the same person for purposes of treating the lots as a single lot. The amendment replaces the exemption for forest management activities in the storm water management law with text that is more consistent with the exemption addressing forest management activities in the Natural Resources Protection Act. The amendment retains the clarification in the bill concerning changes in

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land use. The amendment changes part of the exemption addressing forest management activities in the Natural Resources Protection Act to include a clarification concerning changes in land use.

Enacted Law Summary

Public Law 2009, chapter 537 clarifies the "permit shield" provision of the waste discharge law to replace a reference to "this chapter" with a reference to the relevant sections. It clarifies the forest management exemption in the storm water management law. It clarifies the exemption addressing forest management activities in the Natural Resources Protection Act.

LD 1553 An Act To Facilitate Establishment of Watershed Districts

**PUBLIC 506
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE DAVIS G	OTP-AM	H-631

This bill facilitates establishment of watershed districts to address urban-impaired streams in two ways.

The bill amends the laws governing site location of development to authorize the Department of Environmental Protection to make a finding that the storm water management standards are met if a redevelopment project is located in a watershed with an approved management plan and the project's owner or operator has entered into an agreement or has obtained the approvals and permits necessary to participate in that management plan.

The bill amends the laws governing coastal and lake watershed districts to clarify that the laws provide one way of establishing a watershed district and that, alternatively, one or more municipalities may create a watershed district under municipal home rule authority or under interlocal cooperation authority. The bill is retroactive to July 1, 2009 to ensure that actions taken since that date to create watershed districts by interlocal agreement or by incorporation are valid.

Committee Amendment "A" (H-631)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2009, chapter 506 facilitates establishment of watershed districts to address urban-impaired streams in two ways. It amends the laws governing site location of development to authorize the Department of Environmental Protection to make a finding that the storm water management standards are met if a redevelopment project is located in a watershed with an approved management plan and the project's owner or operator has entered into an agreement or has obtained the approvals and permits necessary to participate in that management plan. It amends the laws governing coastal and lake watershed districts to clarify that the laws provide one way of establishing a watershed district and that, alternatively, one or more municipalities may create a watershed district under municipal home rule authority or under interlocal cooperation authority. Chapter 506 is retroactive to July 1, 2009 to ensure that actions taken since that date to create watershed districts by interlocal agreement or by incorporation are valid.

Public Law 2009, chapter 506 was enacted as an emergency measure effective March 15, 2010.