

# MAINE STATE LEGISLATURE

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



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND  
NATURAL RESOURCES**

July 2011

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STATE OF MAINE  
125<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 LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

*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; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125<sup>th</sup> Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Environment and Natural Resources*

**LD 156**      **An Act To Clarify the Regulation of Impacts to Significant Vernal Pool Habitats under the Natural Resources Protection Act**      **ONTP**

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

This bill clarifies that a landowner proposing to cause an impact to a significant vernal pool habitat is not subject to regulation pursuant to the Department of Environmental Protection's vernal pool rules if the significant vernal pool habitat depression is not on property owned or controlled by that landowner. This bill also clarifies that, when a vernal pool habitat has not previously been determined to be significant and the Department of Environmental Protection or the Department of Inland Fisheries and Wildlife makes a determination as to its significance, the vernal pool habitat is considered to be not significant if it is located in southern Maine and dries out after spring filling and before July 15th or if it is located in northern Maine and dries out after spring filling and before July 31st.

**LD 159**      **An Act To Foster Economic Development by Improving Administration of the Laws Governing Site Location of Development and Storm Water Management**      **PUBLIC 359**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-139

This bill revises the thresholds for review by the Department of Environmental Protection pursuant to the laws governing site location of development by changing the definitions of "subdivision" and "structure." It ensures consistency between the laws governing site location of development and the Natural Resources Protection Act in standards pertaining to a development's effects on existing uses, scenic character and protected natural resources. The bill also provides that rules adopted by the department after January 1, 2010 pursuant to the laws governing site location of development and storm water management are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, with certain limited exceptions in the rules governing storm water management for minor clerical corrections and technical clarifications.

**Committee Amendment "A" (S-139)**

This amendment:

1. Exempts trail management activities from review under the laws governing storm water management on snowmobile trails developed as part of the Maine Trails System under the Maine Revised Statutes, Title 12, section 1892;
2. Retains the provision in the bill that provides that rules adopted by the Department of Environmental Protection after January 1, 2010 pursuant to the laws governing storm water management are major substantive rules, with certain limited exceptions for minor clerical corrections and technical clarifications;
3. Narrows the provision in the bill that proposes to create consistency between the laws governing site location of development and the Natural Resources Protection Act in standards pertaining to a development's effects on existing uses, scenic character and protected natural resources. The amendment requires the Department of Environmental Protection to apply the standards adopted in rule pursuant to the Natural Resources Protection Act for significant

## *Joint Standing Committee on Environment and Natural Resources*

vernal pool habitat to significant vernal pool habitat reviewed under the laws governing the site location of development. It prohibits the department from requiring a buffer strip adjacent to significant vernal pool habitat under the laws governing site location of development unless the buffer strip is established for another protected natural resource;

4. Retains the provision in the bill that provides that rules related to standards for development adopted by the Department of Environmental Protection after January 1, 2010 pursuant to the laws governing site location of development are major substantive rules, except for standards for blasting and wind energy development or offshore wind power projects;

5. Directs the Department of Environmental Protection to adopt rules to allow activities in, on or over high and moderate value waterfowl and wading bird habitat to be eligible for permit by rule under the Natural Resources Protection Act;

6. Authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill relating to high and moderate value waterfowl and wading bird habitat to the Second Regular Session of the 125th Legislature; and

7. Strikes the provisions in the bill that revise the thresholds for review by the Department of Environmental Protection pursuant to the laws governing site location of development.

### **Enacted Law Summary**

Public Law 2011, chapter 359:

1. Exempts trail management activities from review under the laws governing storm water management on snowmobile trails developed as part of the Maine Trails System under the Maine Revised Statutes, Title 12, section 1892;

2. Provides that rules adopted by the Department of Environmental Protection after January 1, 2010 pursuant to the laws governing storm water management are major substantive rules, with certain limited exceptions for minor clerical corrections and technical clarifications;

3. Requires the Department of Environmental Protection to apply the standards adopted in rule pursuant to the Natural Resources Protection Act for significant vernal pool habitat to significant vernal pool habitat reviewed under the laws governing the site location of development. It prohibits the department from requiring a buffer strip adjacent to significant vernal pool habitat under the laws governing site location of development unless the buffer strip is established for another protected natural resource;

4. Provides that rules related to standards for development adopted by the Department of Environmental Protection after January 1, 2010 pursuant to the laws governing site location of development are major substantive rules, except for standards for blasting and wind energy development or offshore wind power projects;

5. Directs the Department of Environmental Protection to adopt rules to allow activities in, on or over high and moderate value waterfowl and wading bird habitat to be eligible for permit by rule under the Natural Resources Protection Act; and

6. Authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill relating to high and moderate value waterfowl and wading bird habitat to the Second Regular Session of the 125th Legislature.