

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH 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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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 125th 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 125th 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 311 An Act To Improve Harbor Safety by Clarifying Requirements for Maintenance Dredging Permits

PUBLIC 65

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	OTP-AM	S-30

This bill clarifies that maintenance dredging may be performed with a permit by rule only if the applicant has been issued an individual permit for maintenance dredging in the same location within the last 10 years. This bill also provides that the amount of material to be dredged may not exceed the amount originally approved by the individual permit.

Committee Amendment "A" (S-30)

This amendment amends current law by removing the requirement that an individual permit or consistency determination issued by the Department of Environment Protection is required for maintenance dredging if the amount of material to be dredged exceeds 50,000 cubic yards. The amendment also amends the bill by clarifying that a permit by rule for maintenance dredging may be allowed only by renewing an individual permit for maintenance dredging. Under the amendment, an individual permit for maintenance dredging may be renewed with a permit by rule only if the area to be dredged is located in an area that was dredged within the last 10 years and the amount of material to be dredged does not exceed the amount approved by the individual permit.

Enacted Law Summary

Public Law 2011, chapter 65 amends the law by removing the requirement that an individual permit or consistency determination issued by the Department of Environment Protection is required for maintenance dredging if the amount of material to be dredged exceeds 50,000 cubic yards. It also provides that an individual permit for maintenance dredging may be renewed with a permit by rule only if the area to be dredged is located in an area that was dredged within the last 10 years and the amount of material to be dredged does not exceed the amount approved by the individual permit.

LD 333 Resolve, Directing the Department of Environmental Protection To Evaluate and Amend Its Rules Regarding Snow Dumps

RESOLVE 44

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRIGGS JACKSON	OTP-AM MAJ ONTP MIN	H-156

This resolve directs the Department of Environmental Protection to amend its rules regarding snow dumps to exempt from the waste discharge licensing requirement any snow dump operation controlled by a municipality for the primary purpose of removing accumulated snow from public rights-of-way for the safety and convenience of the traveling public.

Committee Amendment "A" (H-156)

This amendment replaces the resolve. The amendment directs the Department of Environmental Protection to review and amend its rules regarding snow dumps.

Joint Standing Committee on Environment and Natural Resources

Enacted Law Summary

Resolve 2011, chapter 44 directs the Department of Environmental Protection to review and amend its rules regarding snow dumps.

LD 339 An Act To Prohibit Municipal Ordinances More Stringent than State Guidelines INDEF PP

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

This bill was not referred to the Joint Standing Committee on Environment and Natural Resources. This bill prohibits municipalities from adopting shoreland zoning ordinances that are more stringent than state guidelines. Under current law, municipalities are authorized to adopt ordinances that are consistent with or more stringent than minimum state guidelines.

LD 341 An Act To Exempt Artificial Wetlands and Artificial Significant Vernal Pool Habitats from State Regulation ONTP

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

This bill exempts artificial wetlands and artificial significant vernal pool habitats from state regulation under the Natural Resources Protection Act.

LD 379 An Act To Stop Unfunded Mandates Concerning Waste Discharge Licenses ONTP

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

This bill prohibits the Department of Environmental Protection from imposing by rule any requirements that qualify as an unfunded mandate on a waste discharge licensee unless the requirement is necessary to comply with a federal regulation.