

# 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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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 387**

**An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems**

**PUBLIC 64**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE COLLINS	OTP-AM	H-65

This bill allows the modification of a structure in a coastal sand dune system without a permit if the structure is in an impervious area and does not violate the height restriction of an applicable law or ordinance. An impervious area is defined as an area that is covered by development.

**Committee Amendment "A" (H-65)**

This amendment replaces the bill. It defines "impervious area" and provides that decks and patios are not included in the definition. It defines "footprint" with respect to a building as the outline that would be created on the ground by extending the exterior walls of the building to the ground surface. It allows expansion without a permit of an existing residential or commercial building in a coastal sand dune system if the footprint of the expansion is contained within an existing impervious area and is no further seaward than the existing building; the height of the expansion is within the height restriction of any applicable law or ordinance; and the expansion conforms to the mandatory shoreland zoning law standards for expansion of a building.

**Enacted Law Summary**

Public Law 2011, chapter 64 allows expansion of an existing residential or commercial building in a coastal sand dune system without a Natural Resources Protection Act permit if the footprint of the expansion is contained within an existing impervious area and is no further seaward than the existing building; the height of the expansion is within the height restriction of any applicable law or ordinance; and the expansion conforms to the mandatory shoreland zoning law standards for expansion of a building.

**LD 411**

**Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 27  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-61

This resolve provides for legislative review of portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a major substantive rule of the Department of Environmental Protection.

**Committee Amendment "A" (H-61)**

This amendment authorizes the adoption of portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a major substantive rule of the Department of Environmental Protection if:

1. "Cobble" and "cobble-trapping fence" are defined; and
2. A cobble-trapping fence is allowed to be in place year-round, is allowed only if the fence is landward of an existing seawall in a developed area and is not required to be placed 15 feet or less in front of a building.