

# 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 552**

**An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone**

**PUBLIC 231**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL	OTP-AM MAJ ONTP MIN	H-305

This bill provides that the height of a cupola, dome, widow's walk or similar feature is not included in the measurement of the height of a structure for determining compliance with limitations on the height of a structure in the shoreland zone if that cupola, dome, widow's walk or similar feature has a floor area of 100 square feet or less.

**Committee Amendment "A" (H-305)**

This amendment replaces the bill. It provides that a municipal ordinance may exempt a cupola, dome, widow's walk or similar feature added to a legally existing conforming structure if the structure is not located in a Resource Protection District or a stream protection district and the cupola, dome, widow's walk or similar feature:

1. Does not extend beyond the exterior walls of the existing structure;
2. Has a floor area of 53 square feet or less; and
3. Does not increase the height of the existing structure by more than 7 feet.

The amendment differs from the bill in that the bill proposes to authorize a cupola, dome, widow's walk or similar feature if it has a floor area of 100 square feet or less, and the bill did not provide that the structure to which the cupola, dome, widow's walk or similar feature is added must be a legally existing conforming structure.

**Enacted Law Summary**

Public Law 2011, chapter 231 provides that a municipal ordinance may exempt a cupola, dome, widow's walk or similar feature added to a legally existing conforming structure if the structure is not located in a Resource Protection District or a stream protection district and the cupola, dome, widow's walk or similar feature:

1. Does not extend beyond the exterior walls of the existing structure;
2. Has a floor area of 53 square feet or less; and
3. Does not increase the height of the existing structure by more than 7 feet.

**LD 614**

**An Act To Expedite the Review of Certain Maine Land Use Regulation Commission and Department of Environmental Protection Applications**

**ONTP**

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

This bill requires the Maine Land Use Regulation Commission to enter into an agreement for an outside review of an application to subdivide land if the director of the commission determines within 30 days of the application's being accepted as complete that the commission cannot complete the review within the 60-day statutory time period. The