

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 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

Joint Standing Committee on Environment and Natural Resources

bill also requires the Commissioner of Environmental Protection to enter into an agreement with an outside reviewer if, at the expiration of 1/2 of the published processing time for permit and license applications, the commissioner determines that the department cannot complete the application review within the published processing time.

LD 615 An Act To Authorize the Rerouting of Meadow Brook into Toothaker Pond ONTP

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

This bill authorizes the Toothaker Pond Association to reroute Meadow Brook into Toothaker Pond in the Town of Phillips.

LD 666 Resolve, To Reimburse Convenience Stores on a One-time Basis for Beverage Containers MAJORITY (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE SHERMAN	ONTP MAJ OTP-AM MIN	

This resolve requires the State, on a one-time basis, to reimburse convenience stores the refund value of beverage containers that are not labeled as being refundable in Maine. The resolve also directs the Department of Agriculture, Food and Rural Resources to establish a process for implementing the reimbursement.

LD 671 An Act To Amend the Laws Governing the Ground Water Oil Clean-up Fund PUBLIC 243

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE SHERMAN	OTP-AM	H-274 H-314 HAMPER

This bill changes the membership of the Fund Insurance Review Board, provides the board additional powers and authorizes the board to review and approve the budget of the Ground Water Oil Clean-up Fund.

Committee Amendment "A" (H-274)

This amendment replaces the bill. The amendment changes the membership of the Fund Insurance Review Board by:

1. Decreasing from 3 to 2 the number of members representing the petroleum industry;
2. Designating membership of 2 members who have expertise in oil storage facility design and installation, oil spill remediation or environmental engineering; and