

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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STATE OF MAINE
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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

Committee Amendment "A" (H-199)

This amendment exempts agricultural producers from the water withdrawal reporting program and removes the Commissioner of Agriculture, Food and Rural Resources from the list of commissioners to whom a water withdrawal report may be submitted.

Enacted Law Summary

Public Law 2011, chapter 120:

1. Repeals a requirement that the Commissioner of Environmental Protection annually conduct a review related to the permit by rule system and make any recommendations concerning additional categories of permits to the Board of Environmental Protection;
2. Repeals a requirement that the Commissioner of Environmental Protection report before February 1st of each year to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the effects of license fee increases on department efficiency and license and permit processing times;
3. Repeals a requirement that the Commissioner of Environmental Protection report biennially to the Legislature on the implementation and impact of local shoreland zoning ordinances;
4. Repeals a requirement that the Department of Environmental Protection periodically evaluate whether the State should continue to implement and enforce California low-emission vehicle standards relating to the control of emissions from new motor vehicles or new motor vehicle engines;
5. Repeals a requirement that the Department of Environmental Protection report annually to the joint standing committee of the Legislature having jurisdiction over natural resources on the levels of methyl tertiary butyl ether or MTBE in gasoline brought into the State;
6. Removes a requirement that the Commissioner of Environmental Protection periodically hold hearings and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters concerning progress toward meeting the instream color pollution standards under the Maine Revised Statutes, Title 38, section 414-C; and
7. Exempts agricultural producers from the water withdrawal reporting program and removes the Commissioner of Agriculture, Food and Rural Resources from the list of commissioners to whom a water withdrawal report may be submitted.

LD 1022

An Act To Amend the Law Concerning Overboard Discharge Systems

PUBLIC 121

Sponsor(s)

TILTON
SAVIELLO

Committee Report

OTP-AM MAJ
ONTP MIN

Amendments Adopted

H-151

This bill removes the requirement that, prior to transferring ownership of property containing an overboard discharge system, the parties to the transfer must determine the feasibility of technologically proven alternatives to the overboard discharge system and install the alternative system if one is identified. The bill also directs the Department of Environmental Protection to provide education and outreach to owners of overboard discharge systems. The bill makes the changes to the law retroactive to January 1, 2004.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "A" (H-151)

This amendment replaces the bill. The bill removes the requirement that, prior to transferring ownership of property containing an overboard discharge system, the parties to the transfer must determine the feasibility of technologically proven alternatives to the overboard discharge system and install an alternative system if one is identified. The amendment retains that requirement but makes several changes to it. The amendment allows a transferee with an annual income of less than \$25,000 to request a waiver from the requirement to install an alternative system. The amendment increases the time frame, from 90 days of property transfer or significant action to 180 days of property transfer or significant action, within which an alternative system to the overboard discharge must be installed. The amendment also makes 2 technical corrections to the law. First, it clarifies that an application for transfer of an overboard discharge license must be made no later than 2 weeks after the transfer of ownership and, second, it clarifies that the sentence in the Maine Revised Statutes, Title 38, section 413, subsection 3 that limits application of the subsection to licenses issued before September 1, 2010 only applies to overboard discharge licenses, not all licenses issued by the Department of Environmental Protection.

Enacted Law Summary

Public Law 2011, chapter 121 makes several changes to the law that requires, prior to transferring ownership of property containing an overboard discharge system, the parties to the transfer to determine the feasibility of technologically proven alternatives to the overboard discharge system and install an alternative system if one is identified. Chapter 121 allows a transferee with an annual income of less than \$25,000 to request a waiver from the requirement to install an alternative system. It increases the time frame, from 90 days of property transfer or significant action to 180 days of property transfer or significant action, within which an alternative system to the overboard discharge must be installed. It also makes 2 technical corrections to the law. First, it clarifies that an application for transfer of an overboard discharge license must be made no later than 2 weeks after the transfer of ownership and, second, it clarifies that the sentence in the Maine Revised Statutes, Title 38, section 413, subsection 3 that limits application of the subsection to licenses issued before September 1, 2010 only applies to overboard discharge licenses, not all licenses issued by the Department of Environmental Protection.

LD 1031 An Act To Amend the Laws Governing Significant Wildlife Habitat

PUBLIC 362

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE SHERMAN	OTP-AM MAJ OTP-AM MIN	H-281

Under current law, forest management activities in significant wildlife habitat are exempt from permitting requirements under the Natural Resources Protection Act unless the habitat is mapped through rulemaking by the Department of Inland Fisheries and Wildlife. This bill removes the mapped habitat provision in the exemption for forest management activities.

Committee Amendment "A" (H-281)

This amendment replaces the bill. The bill proposes to remove the mapped habitat provision in the exemption for forest management activities under the Natural Resources Protection Act. The amendment directs the Department of Environmental Protection to amend its rules to:

1. Provide that if a vernal pool depression is bisected by a property boundary, only that portion of the vernal pool depression located on the property of the landowner proposing to cause an impact may be considered in determining whether the vernal pool is significant;
2. Provide that an artificial vernal pool is exempt from regulation as long as the vernal pool was not created in