

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.

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connection with a compensation project; and

- 3. Remove seasonal precipitation as a factor in determining that a vernal pool habitat is not significant.

Enacted Law Summary

Public Law 362 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 connection with a compensation project; and
- 3. Remove seasonal precipitation as a factor in determining that a vernal pool habitat is not significant.

LD 1063 An Act To Restore Limits on the Location of Licensed Redemption Centers and Improve Operations ONTP

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

This bill provides that beverage container redemption centers licensed before April 1, 2009 must be counted when determining the number of centers located in a municipality and establishes a standard size and gauge for the plastic bags used by dealers and redemption centers to collect beverage containers.

LD 1108 An Act To Modify the Requirement To Replace Trees Cut Down in Violation of Local Laws PUBLIC 228

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON THOMAS	OTP-AM MAJ ONTP MIN	H-275

Current law requires a person who, except for timber harvesting, cuts down a tree or understory vegetation in violation of local land use laws and ordinances to replace the tree or vegetation with a tree or vegetation of similar size and species. This bill gives the court the discretion to order the replacement of the tree or vegetation, provides that the replacement doesn't have to be on a one-for-one basis and allows the replacement to be of a reasonably similar species only.

Committee Amendment "A" (H-275)

The amendment replaces the bill. The bill proposes to give the court discretion to order the replacement of trees or vegetation when a person cuts down a tree or understory vegetation in violation of the shoreland zoning laws. Under current law, except for timber harvesting, a person is required to replace each tree with a tree of substantially similar size and species to the extent available and feasible.

This amendment requires the replacement of each tree cut with a tree or trees of varying size and species such that the visual impact from the cutting will be remediated, the tree canopy that was cut will be restored within a

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reasonable time period and a total basal area equal to at least 50% of the basal area cut will be replanted. The amendment requires the replacement of understory vegetation with understory vegetation of substantially similar size and species to the extent reasonably available and feasible. The amendment requires a 5-year management plan to be developed, which must address how the replacement trees must be maintained to enable them to grow to a healthy, mature height.

Enacted Law Summary

Under current law, except for timber harvesting, when a person cuts down a tree or understory vegetation in violation of the shoreland zoning laws, that person is required to replace each tree with a tree of substantially similar size and species to the extent available and feasible. Public law 2011, chapter 228 requires the replacement of each tree cut with a tree or trees of varying size and species such that the visual impact from the cutting will be remediated, the tree canopy that was cut will be restored within a reasonable time period and a total basal area equal to at least 50% of the basal area cut will be replanted. It requires the replacement of understory vegetation with understory vegetation of substantially similar size and species to the extent reasonably available and feasible. It requires a 5-year management plan to be developed, which must address how the replacement trees must be maintained to enable them to grow to a healthy, mature height.

LD 1129 An Act To Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals PUBLIC 319

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER	OTP-AM	H-421

This bill makes a number of changes to the priority chemical program, including:

1. Amending the Maine Administrative Procedure Act to require that the Legislature receive notification through the regulatory agenda process of any proposals to regulate chemicals pursuant to the Maine Revised Statutes, Title 38, chapter 16-D before rulemaking may be initiated;
2. Providing the Department of Environmental Protection with a process by which it can respond to developments in science to remove the designation of and de-list a chemical that is ultimately found to not pose a risk to human health;
3. Designating rules adopted by the Department of Environmental Protection that designate chemicals of high concern as priority chemicals to be major substantive rules;
4. Establishing de minimus levels of chemical concentrations in children's products;
5. Establishing clear exposure criteria for designation of priority chemicals;
6. Removing the presumptions regarding safer alternatives to a priority chemical;
7. Reducing regulatory duplication with other state or federal programs; and
8. Increasing from 10 to 45 days the amount of time a manufacturer or distributor of a product offered for sale in violation of the priority chemical requirements has to provide evidence that the product is not in violation or notify persons who sell the product.