

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 1387 An Act To Restore Exemptions in the Natural Resources Protection Act

PUBLIC 205

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA SAVIELLO	OTP-AM	H-317

This bill amends the exemption for certain maintenance and repair activities in the Natural Resources Protection Act. The bill eliminates a longstanding duplicate exemption applying to stream crossings. The bill replaces the exemption for certain existing road culverts in the Natural Resources Protection Act. The bill also clarifies that slip or invert lining of existing culverts is not considered a maintenance and repair activity, thus requiring a permit by rule for those activities. The bill requires that the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Transportation present the final draft of a statewide aquatic conservation and restoration strategy plan to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 31, 2013. The plan may include recommended legislation, and the committee is authorized to report out a bill to the First Regular Session of the 126th Legislature.

Committee Amendment "A" (H-317)

This amendment clarifies that the Natural Resources Protection Act exemption applies to all existing crossings, not just road crossings. It removes a provision in the bill that requires crossings to not block passage for aquatic organisms other than fish. It requires replacement crossings to match the natural stream grade and removes a provision in the bill that requires the stream grade to not exceed 2%. The amendment retains the provisions in the bill that require the development of a statewide aquatic conservation and restoration strategy plan. The amendment removes the provision in the bill that excludes slip-lining and invert lining from eligibility for the repair and maintenance exemption.

Enacted Law Summary

Public Law 2011, chapter 205 amends the exemption for certain maintenance and repair activities in the Natural Resources Protection Act and eliminates a longstanding duplicate exemption applying to stream crossings. It replaces the exemption for existing crossings. It also requires that the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Transportation present the final draft of a statewide aquatic conservation and restoration strategy plan to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 31, 2013. The plan may include recommended legislation, and the committee is authorized to report out a bill to the First Regular Session of the 126th Legislature.

LD 1390 An Act To Revise the Reporting Requirements for Oil Spills

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP	

Current law requires the discharge of oil into any coastal waters or beaches or any other waters of the State to be reported to the Department of Environmental Protection within 2 hours of the discharge. This bill exempts from that reporting requirement discharges of less than 5 gallons that occur on land and do not affect any well or drinking

Joint Standing Committee on Environment and Natural Resources

water source; the person causing or responsible for the discharge is still required to remove the discharge and reimburse the department for any costs related to the discharge.

**LD 1398 An Act To Amend the Laws Administered by the Department of
Environmental Protection**

**PUBLIC 206
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER	OTP-AM MAJ OTP-AM MIN	H-369

This bill makes the following changes to the laws governing environmental protection.

1. It authorizes the Department of Environmental Protection to allow an operator to review a completed operator certification test with department staff in order to identify subject areas for which questions were answered incorrectly and further study is advisable.
2. It repeals an obsolete provision of law governing certification of underground oil storage tank removers.
3. It clarifies the laws governing liability of fiduciaries and lenders who undertake investigations of contaminated property.
4. It changes the name of the Pollution Prevention Advisory Committee to the Pollution Prevention and Small Business Assistance Advisory Panel and amends the laws governing the appointment of members to the panel and terms and compensation of members.
5. It adds the category of degraded regions or watersheds to the list of regions or watersheds that the department is required to establish in rule.
6. It amends the Maine Revised Statutes, Title 38, section 420-D, subsection 5 to provide that if project review is required pursuant to Title 38, section 1310-N, 1319-R or 1319-X, regarding waste facility licenses, review is not required pursuant to the laws governing storm water management.
7. It repeals Title 38, section 420-D, subsection 7, paragraph F, which is an exemption from the laws governing storm water management for waste facilities regulated under Title 38, section 1310-N, 1319-R or 1319-X.
8. It amends Title 38, section 420-D, subsection 11, a provision that authorizes the Department of Environmental Protection to establish a nonpoint source reduction program to allow an applicant to pay a compensation fee in lieu of meeting certain requirements, by adding the alternative of allowing an applicant to carry out a compensation project in lieu of meeting such requirements. It also deletes a related provision that authorizes the department to allow an applicant to meet a municipally required mitigation option in certain circumstances as an alternative to paying a compensation fee.
9. It amends Title 38, section 469 to add text consistent with the first paragraph of section 469, to correct the structure of section 469 and to aid the ease of use of the section.
10. It amends the laws governing the classification of estuarine and marine waters in Phippsburg to specify missing coordinates.
11. It amends the oil spill prevention laws to make it clear that liquid natural gas is not oil.