

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES**

July 2013

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STATE OF MAINE

126TH LEGISLATURE

FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th Legislature is October 9, 2013. 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

Public Law 2013, chapter 232 amends the current law regarding the reporting requirement for children's products that contain priority chemicals by requiring that manufacturers or distributors provide notice within 30 days to the Department of Environmental Protection when the product is sold in the State after the initial 180-day reporting period ends.

LD 432 An Act To Amend the Gifting of Land Exemption under the Subdivision Laws ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C HARLOW	ONTP	

This bill amends the subdivision law exemption for gifts to relatives by removing the requirement that the donor of the gifted property must have held the property for a continuous period of 5 years prior to the division by gift. The bill also provides that if property that is exempt from the subdivision law pursuant to the gifts to relatives exemption is transferred within 10 years of when the property was acquired by the donor, a lot is created for purposes of the subdivision law.

LD 437 An Act To Amend the State General Permit Process for Tidal Power To Remove a Conflict with a Federal Permit Requirement PUBLIC 177

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU MAKER	OTP-AM	S-62

Currently, an applicant for a general permit for a tidal energy demonstration project must file an application with the Department of Environmental Protection that contains a copy of an environmental assessment issued by the Federal Energy Regulatory Commission that includes a finding of no significant environmental impact. This bill allows the department to accept an application prior to the FERC's issuance of a finding of no significant environmental impact. The bill also requires the department to notify an applicant within 60 days of its acceptance of the application for processing or within 30 days of the FERC's issuance of a finding of no significant environmental impact, whichever occurs later.

Committee Amendment "A" (S-62)

This amendment corrects terminology in the bill related to the Department of Environmental Protection's acceptance of an application for a general permit for a tidal energy demonstration project as complete for processing.

Enacted Law Summary

Public Law 2013, chapter 177 allows the Department of Environmental Protection to accept an application for a tidal energy demonstration project as complete for processing prior to the Federal Energy Regulatory Commission's issuance of a finding of no significant environmental impact. It also requires the department of notify an applicant within 60 days of its acceptance of the application as complete for processing or within 30 days of the FERC's issuance of a finding of no significant environmental impact, whichever occurs later.

LD 453 An Act To Prohibit the Sale of Gasoline That Contains Corn-based Ethanol as an Additive at a Level Greater than 10 Percent by Volume PUBLIC 69

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONG SAVIELLO	OTP-AM	H-56

Joint Standing Committee on Environment and Natural Resources

This bill prohibits the sale of gasoline that contains ethanol as an additive at a level greater than 10% by volume, if at least 2 other New England states enact laws that prohibit such sales.

Committee Amendment "A" (H-56)

This amendment clarifies that the ethanol referred to in the bill is corn-based ethanol.

Enacted Law Summary

Public Law 2013, chapter 69 prohibits the sale of gasoline that contains corn-based ethanol as an additive at a level greater than 10% by volume, if at least 2 other New England states enact laws that prohibit such sales.

LD 470 An Act Regarding Working Waterfront Projects

PUBLIC 231

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH MAZUREK	OTP-AM	H-302

This bill defines "working waterfront activity" and "working waterfront land" for the purpose of exempting working waterfront activities from certain provisions under the Natural Resources Protection Act. The bill also provides flexibility under the mandatory shoreland zoning laws for the clearing of land associated with working waterfront activities and project sites requiring remediation due to contamination.

Committee Amendment "A" (H-302)

This amendment replaces the bill. It amends the standards for clearing of vegetation in the laws governing shoreland zoning and provides exceptions to those standards. It amends the Natural Resources Protection Act by amending the definition in the bill of "working waterfront activity" and exempting from compensation requirements working waterfront activities on working waterfront land that is part of a brownfields program or a voluntary response action program.

Enacted Law Summary

Public Law 2013, chapter 231 amends the standards for clearing of vegetation in the laws governing shoreland zoning and provides exceptions to those standards. It amends the Natural Resources Protection Act by adding a definition of "working waterfront activity" and exempting from compensation requirements working waterfront activities on working waterfront land that is part of a brownfields program or a voluntary response action program.

LD 596 An Act To Help Small Businesses and Promote Tourism by Allowing the Construction of a Deck over a River within a Downtown Revitalization Project

PUBLIC 140

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY DUTREMBLE	OTP-AM	H-137

This bill provides that construction of a platform or walkway or deck over a river or marshland may be exempt from the Department of Environmental Protection's rules relative to significant wildlife habitat under certain conditions, including if the affected municipal government finds that the platform, walkway or deck would not negatively affect any significant wildlife habitat and the project is approved by local referendum.

Committee Amendment "A" (H-137)