

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
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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

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)

Joint Standing Committee on Environment and Natural Resources

This amendment replaces the bill. The amendment allows the construction of a deck of up to 700 square feet in area over a river without meeting certain otherwise applicable water and wetland setback requirements if the proposed deck will be located within a downtown revitalization project and is either attached to or accessory to a use in a structure that was built prior to 1971.

Enacted Law Summary

Public Law 2013, chapter 140 allows the construction of a deck of up to 700 square feet in area over a river without meeting certain otherwise applicable water and wetland setback requirements if the proposed deck will be located within a downtown revitalization project and is either attached to or accessory to a use in a structure that was built prior to 1971.

LD 641 An Act To Exempt Agriculture, Timber Harvesting and Public Employees from Certain Oversight in Shoreland Areas

**PUBLIC 242
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO BLACK	OTP-AM	S-164

This bill provides for an exemption from the current law governing excavation activity in a shoreland zone. Current law requires an excavation contractor conducting excavation activity in a shoreland area to ensure that a person certified in erosion control practices is present at the site during earth-moving activity of one cubic yard or more. The bill provides that farmers using normal tilling practices are exempt from that requirement.

Committee Amendment "A" (S-164)

This amendment replaces the bill. It exempts persons engaged in agriculture or timber harvesting and certain municipal, state and federal employees from the law requiring that a person certified in erosion control practices be present during certain earth-moving activity in a shoreland area. It also adds a definition of "agriculture" to the laws governing mandatory shoreland zoning.

Enacted Law Summary

Public Law 2013, chapter 242 exempts persons engaged in agriculture or timber harvesting and certain municipal, state and federal employees from the law requiring that a person certified in erosion control practices be present during certain earth-moving activity in a shoreland area. It also adds a definition of "agriculture" to the laws governing mandatory shoreland zoning.

Public Law 2013, chapter 242 was enacted as an emergency measure effective June 12, 2013.

LD 642 An Act To Exempt All-terrain Vehicle Trail Management from Storm Water Management Requirements

PUBLIC 43

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

Current law exempts from review by the Department of Environmental Protection for a storm water permit a project that involves the development, construction and maintenance of the statewide snowmobile trail system as long as certain criteria are met. This bill extends that same exemption to all-terrain vehicle trails.

Enacted Law Summary

Current law exempts from review by the Department of Environmental Protection for a storm water permit a project