

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.

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that involves the development, construction and maintenance of the statewide snowmobile trail system as long as certain criteria are met. Public Law 2013, chapter 43 extends that same exemption to all-terrain vehicle trails.

LD 674 An Act To Clarify the Natural Resources Protection Act

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY A COLLINS	ONTP	

This bill changes to 75 feet the setback for significant vernal pool habitat, high and moderate value inland waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas. It also provides a mechanism to compensate landowners for the property value losses incurred as a result of more stringent setback or buffer zone regulations.

LD 694 An Act To Clarify Solid Waste Policy Relating to State-owned Disposal Facilities

PUBLIC 243

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN DILL	OTP-AM	S-220

This bill:

1. Amends the declaration of policy in the laws governing waste management to provide that the Legislature finds that the highest and best use of a state-owned solid waste facility is for those permitted special wastes that cannot be handled by waste reduction, reuse and recycling;
2. Provides that a change in the type or volume of waste accepted by a facility requires approval by the Department of Environmental Protection and a public benefit determination;
3. Amends the laws governing public benefit determinations for solid waste disposal facilities; and
4. Applies to licenses or permits pending on the effective date of the Act.

Committee Amendment "A" (S-220)

This amendment replaces the bill. It provides that the Department of Environmental Protection may not process or act on an application for a new, modified or amended solid waste license for a solid waste disposal facility acquired by the State after January 1, 2007 until the facility has applied for and received a public benefit determination from the department. It provides that a solid waste disposal facility owned by the State before January 1, 2007 is deemed to hold a public benefit determination for the licensed disposal capacity at the facility on the effective date of the Act. In addition, for such facilities owned by the State before January 1, 2007, it authorizes the department to require an application for a modified public benefit determination if the department finds that a material change in the underlying facts or circumstances has occurred or is proposed. The amendment also clarifies that, regardless of the date of state ownership, the department may not process or act upon any application to expand a facility until the facility has applied for and received a public benefit determination.

Enacted Law Summary

Public Law 2013, chapter 243 provides that the Department of Environmental Protection may not process or act on an application for a new, modified or amended solid waste license for a solid waste disposal facility acquired by the State after January 1, 2007 until the facility has applied for and received a public benefit determination from the

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department. It provides that a solid waste disposal facility owned by the State before January 1, 2007 is deemed to hold a public benefit determination for the licensed disposal capacity at the facility on the effective date of the Act. In addition, for such facilities owned by the State before January 1, 2007, it authorizes the department to require an application for a modified public benefit determination if the department finds that a material change in the underlying facts or circumstances has occurred or is proposed. It also clarifies that, regardless of the date of state ownership, the department may not process or act upon any application to expand a facility until the facility has applied for and received a public benefit determination.

LD 695 An Act To Amend the Site Location of Development Laws

PUBLIC 183

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOYLE BLACK	OTP-AM OTP ONTP	S-91

This bill exempts from review under the laws governing site location of development new construction at or modification of an existing licensed development that is permitted if the additional disturbed area not to be revegetated does not exceed 20,000 square feet ground area in any calendar year and does not exceed 40,000 square feet ground area in total and the construction or modification does not involve a division of the parcel of land. The permittee is required to annually notify the Department of Environmental Protection of any new construction or modification undertaken during the previous 12 months. At the time of the annual notification, the permittee is required to provide to the department certified development plans for the new construction or modification that was undertaken pursuant to the exemption.

Committee Amendment "A" (S-91)

The bill exempts from review under the laws governing site location of development new construction at or modification of an existing licensed development that is permitted if the additional disturbed area not to be revegetated does not exceed 20,000 square feet ground area in any calendar year and does not exceed 40,000 square feet ground area in total and the construction or modification does not involve a division of the parcel of land. This amendment is the majority report of the committee and changes the square footage limits to 10,000 square feet ground area in any calendar year and 20,000 square feet ground area in total.

Enacted Law Summary

Public Law 2013, chapter 183 exempts from review under the laws governing site location of development new construction at or modification of an existing licensed development that is permitted if the additional disturbed area not to be revegetated does not exceed 10,000 square feet ground area in any calendar year and does not exceed 20,000 square feet ground area in total and the construction or modification does not involve a division of the parcel of land. The permittee is required to annually notify the Department of Environmental Protection of any new construction or modification undertaken during the previous 12 months. At the time of the annual notification, the permittee is required to provide to the department certified development plans for the new construction or modification that was undertaken pursuant to the exemption.

**LD 735 Resolve, Directing the Department of Environmental Protection To Add
a Flame Retardant to the Lists of Chemicals of Concern and of High
Concern**

ONTP

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