

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> 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

126<sup>TH</sup> 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 126<sup>th</sup> 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 126<sup>th</sup> 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***

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	

***Joint Standing Committee on Environment and Natural Resources***

This resolve directs the Department of Environmental Protection to add chlorinated tris, which is a flame retardant chemical, to the list of chemicals of concern and the list of chemicals of high concern, pursuant to the Maine Revised Statutes, Title 38, sections 1693 and 1693-A, respectively, unless the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Environmental Protection in concurrence with the Maine Center for Disease Control and Prevention, respectively, determines that chlorinated tris does not meet the statutory criteria.

**LD 793      An Act Clarifying the Department of Environmental Protection's Authority Relating to Compensation for Development Activity under the Natural Resources Protection Act**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R	ONTP OTP-AM	

This bill prohibits the Department of Environmental Protection from requiring one form of compensation for damages to wetlands or certain bird habitats resulting from a proposed development activity under the Natural Resources Protection Act if the applicant proposing the activity prefers an alternative form of compensation.

**Committee Amendment "A" (H-143)**

This amendment, which is the minority report of the committee, replaces the bill. The amendment clarifies that the Department of Environmental Protection may not require compensation in the form of restoration, enhancement, creation or preservation if an applicant provides a compensation fee and may not require a compensation fee if an applicant chooses to provide compensation in the form of restoration, enhancement, creation or preservation.

This amendment was not adopted.

**LD 794      An Act To Amend Setback Requirements and Standards Related to Species Migration under the Laws Regulating Development near Vernal Pools**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R BOYLE		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the laws regulating significant vernal pool habitat to account for species migration patterns. The bill proposes to change the area that is regulated as significant vernal pool habitat and the standards for development within the area regulated. Currently, pursuant to rules of the Department of Environmental Protection adopted pursuant to the Natural Resources Protection Act, the area regulated as significant vernal pool habitat includes the vernal pool depression and the area within a 250-foot radius of the spring or fall high-water mark of the depression.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).