

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



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

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

May 2014

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged 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.

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 HOUSESHouse & 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
EMERGENCYenacted 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 Second Regular Session of the 126th Legislature is August 1, 2014. 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

recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 4, 2013; and

3. Directs the Department of Agriculture, Conservation and Forestry to develop a compact village development model designed to promote relatively high residential density with mixed land uses to serve as an alternative to low-density sprawl. The department is directed to submit its recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 4, 2013.

LD 1634 An Act To Allow an Earlier Implementation Date for an Architectural Paint Stewardship Program

PUBLIC 483

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

This bill allows for an earlier implementation date for a paint stewardship program under the State's architectural paint stewardship statute if an earlier date is proposed by a producer or representative organization and that date is approved by the Commissioner of Environmental Protection. Current law provides that a Commissioner-approved architectural paint stewardship program cannot be implemented until the later of July 1, 2015 or three months after the plan is approved. This bill also makes a technical correction to a cross-reference within the State's architectural paint stewardship statute.

Enacted Law Summary

Public Law 2013, chapter 483 amends the current law governing the State's architectural paint stewardship program to allow for an earlier implementation date for a paint stewardship program if an earlier date is proposed by a producer or representative organization and that date is approved by the Commissioner of Environmental Protection. It also makes a technical correction to a cross-reference in the same law.

LD 1644 An Act To Allow the City of Saco To Stabilize the Coastline and Coastal Sand Dune System Adjacent to the Saco River

P & S 24

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO CHENETTE	OTP-AM ONTP	S-405

This bill exempts municipalities from certain permitting requirements under the Natural Resources Protection Act for adding sand or other materials to an eroded sand dune, or constructing a structure on a sand dune for stabilization purposes, where erosion was caused by the construction, erection, improvement or maintenance of a structure by the Federal Government, or a structure owned by the Federal Government.

Committee Amendment "A" (S-405)

This amendment is the majority report of the committee and replaces the original bill. It allows the City of Saco to undertake certain limited property and municipal infrastructure protection measures without a Natural Resources Protection Act permit along the coastline and within the coastal sand dune system and waterways of the Saco River Harbor area, the Saco River Federal Navigation Project area, the Camp Ellis Beach area and the Ferry Beach area prior to completion of a River and Harbor Act of 1968, Section 111 project for prevention or mitigation of shore damages for the Saco River and Camp Ellis Beach. It authorizes the Department of Environmental Protection to approve an individual permit for the City of Saco to undertake, over a seven-year period, annual maintenance dredging of the Saco River channel and harbor and to use the dredged materials as beach nourishment on Camp Ellis Beach and Ferry Beach in Saco. It authorizes the City of Saco to continue annual dredging and beach

Joint Standing Committee on Environment and Natural Resources

nourishment measures for an additional seven-year period so long as it pursues and obtains a permit by rule.

Enacted Law Summary

Private and Special Law 2013, chapter 24 allows the City of Saco to undertake certain limited property and municipal infrastructure protection measures without a Natural Resources Protection Act permit along the coastline and within the coastal sand dune system and waterways of the Saco River Harbor area, the Saco River Federal Navigation Project area, the Camp Ellis Beach area and the Ferry Beach area prior to completion of a River and Harbor Act of 1968, Section 111 project for prevention or mitigation of shore damages for the Saco River and Camp Ellis Beach. It authorizes the Department of Environmental Protection to approve an individual permit for the City of Saco to undertake, over a seven-year period, annual maintenance dredging of the Saco River channel and harbor and to use the dredged materials as beach nourishment on Camp Ellis Beach and Ferry Beach in Saco. It authorizes the City of Saco to continue annual dredging and beach nourishment measures for an additional seven-year period so long as it pursues and obtains a permit by rule.

LD 1671 An Act To Prohibit Motorized Recreational Gold Prospecting in Class AA Waters and Certain Atlantic Salmon and Brook Trout Habitats

**PUBLIC 536
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOYLE MCCABE	OTP-AM ONTP	S-424

This bill prohibits motorized recreational gold prospecting in certain stream segments that contain important brook trout and Atlantic salmon spawning habitats.

Committee Amendment "A" (S-424)

This amendment is the majority report of the committee and replaces the original bill. It prohibits motorized recreational gold prospecting in waters classified as Class AA waters and certain stream segments that contain important brook trout and Atlantic salmon habitats. It also establishes that by December 1, 2015, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources are directed to review data, conduct site visits and collect any additional information necessary to determine whether these statutorily specified stream segments continue to represent critical or high-value brook trout or Atlantic salmon habitat, and whether there are areas not listed that represent additional critical or high-value brook trout or Atlantic salmon habitat that should be closed to motorized recreational gold prospecting. By January 15, 2016, each department is further directed to submit any recommendations for the addition or removal of areas of critical or high-value brook trout or Atlantic salmon habitat on the list of areas closed to motorized recreational gold prospecting under the Maine Revised Statutes, Title 38, section 480-Q, subsection 5-A, paragraph G, subparagraph (4) to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters, and the committee is authorized to report out a bill relating to the recommendations to the Second Regular Session of the 127th Legislature.

Enacted Law Summary

Public Law 2013, chapter 536 prohibits motorized recreational gold prospecting in waters classified as Class AA waters and certain stream segments that contain important brook trout and Atlantic salmon habitats. It also establishes that by December 1, 2015, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources are directed to review data, conduct site visits and collect any additional information necessary to determine whether these statutorily specified stream segments continue to represent critical or high-value brook trout or Atlantic salmon habitat, and whether there are areas not listed that represent additional critical or high-value brook trout or Atlantic salmon habitat that should be closed to motorized recreational gold prospecting. By January 15, 2016, each department is further directed to submit any recommendations for the addition or removal of areas of critical or high-value brook trout or Atlantic salmon habitat on the list of areas closed to motorized recreational gold prospecting under the Maine Revised Statutes, Title 38, section 480-Q, subsection 5-A, paragraph G, subparagraph