

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
126TH LEGISLATURE
SECOND REGULAR SESSION
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

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

Joint Standing Committee on Environment and Natural Resources

(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.

Public Law 2013, chapter 536 was enacted as an emergency measure effective April 8, 2014.

LD 1694 An Act To Improve the Water Quality of Inland Waters ONTP

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

This bill appropriates \$100,000 annually to the Department of Environmental Protection to provide \$80,000 to the Maine Lakes Society in its implementation of the LakeSmart program and \$20,000 for the purpose of analyzing the data gathered by the Maine Volunteer Lake Monitoring Program.

LD 1731 An Act To Ensure Transparency and Accountability in Decisions by the Department of Environmental Protection INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRANT CAIN		

This bill restores to the Board of Environmental Protection the responsibility to review and approve routine technical rules and to review enforcement actions proposed by the Commissioner of Environmental Protection. These responsibilities were removed from the Board of Environmental Protection in 2011. It also requires the Department of Environmental Protection to receive approval from the Board of Environmental Protection for revisions to the state implementation plan, required in the federal Clean Air Act. Current law requires the department to confer with the joint standing committee of the Legislature having jurisdiction over natural resource matters before it proposes any revisions to the state implementation plan. It also requires the Department of Environmental Protection to notify the joint standing committee of the Legislature having jurisdiction over natural resources matters of all federal relicensing deadlines for dams located in the State. The department shall notify the committee no later than 60 days before each deadline and present to the committee the department's plan to address each deadline.

LD 1744 An Act To Protect Maine Lakes Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE GRATWICK	OTP-AM OTP-AM	H-781 S-534 HILL S-552 BOYLE

This bill amends the laws governing the Lakes Assessment and Protection Program. It prohibits the application of fertilizers, herbicides, pesticides and soil amendments within 25 feet of fresh surface waters. It establishes goals for developing a photographic record of the shorelines of lakes. It directs the Department of Environmental Protection and the Department of Agriculture, Conservation and Forestry to develop training for municipalities relating to the laws regulating shoreland zoning. It also directs the Department of Environmental Protection to:

1. Develop an environmental leader certification program for landscape contractors;