

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

(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;

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2. Fill vacant staff positions;
3. Evaluate options and develop a strategy for reducing risks to lake water quality from camp roads, logging roads, driveways and boat launches; and
4. Evaluate the LakeSmart program.

Committee Amendment "A" (H-781)

This amendment is the majority report of the committee and replaces the original bill. It adds an emergency preamble and an emergency clause. It amends the laws governing the Lakes Assessment and Protection Program. It creates a prohibition on the application of fertilizers within 50 feet of the normal high-water line of a great pond, with exceptions for persons involved in agriculture or applying fertilizer to establish or restore vegetation to stop, slow or remediate shoreline erosion or damage. It also makes a one-time appropriation in fiscal year 2013-14 of \$70,000 to the Department of Environmental Protection to provide \$40,000 to the Maine Lakes Society in its implementation of the LakeSmart program, \$20,000 for the purpose of managing and analyzing the data gathered by the Maine Volunteer Lake Monitoring Program and \$10,000 to the Maine Joint Environmental Training Coordinating Committee in its development and implementation of water pollution control, water quality protection and other environmental training programs.

Committee Amendment "B" (H-782)

This amendment is the minority report of the committee and replaces the original bill. It adds an emergency preamble and an emergency clause. It provides a one-time appropriation in fiscal year 2013-14 of \$70,000 to the Department of Environmental Protection to provide \$40,000 to the Maine Lakes Society in its implementation of the LakeSmart program, \$20,000 for the purpose of managing and analyzing the data gathered by the Maine Volunteer Lake Monitoring Program and \$10,000 to the Maine Joint Environmental Training Coordinating Committee in its development and implementation of water pollution control, water quality protection and other environmental training programs.

House Amendment "A" To Committee Amendment "A" (H-797)

This amendment amends Committee Amendment "A" in the following manner.

1. It amends the provision regarding the education and technical assistance that must be provided by the Department of Environmental Protection in implementing the Lakes Assessment and Protection Program.
2. It amends the prohibition on application of a fertilizer near great ponds by changing the distance from the high-water line within which the prohibition applies and by removing the exception for persons applying fertilizer to stop, slow or remediate shoreline erosion or damage.
3. It replaces the appropriations and allocations section to remove appropriations and allocations related to requirements that are removed in this amendment.

This amendment was adopted, but later reconsidered and indefinitely postponed.

Senate Amendment "A" To Committee Amendment "A" (S-534)

This amendment amends Committee Amendment "A" in the following manner.

1. It amends the provision regarding the education and technical assistance that must be provided by the Department of Environmental Protection in implementing the Lakes Assessment and Protection Program.
2. It amends the prohibition on the application of fertilizers near great ponds by changing the distance from the

Joint Standing Committee on Environment and Natural Resources

high-water line within which the prohibition applies and by removing the exception for persons applying fertilizer to stop, slow or remediate shoreline erosion or damage.

3. It removes the appropriations and allocations section.

Senate Amendment "B" To Committee Amendment "A" (S-552)

This amendment amends Committee Amendment "A" by removing the emergency preamble and emergency clause.

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|----------------|---|-------------------|
| LD 1755 | An Act To Amend the Mandatory Shoreland Zoning Laws To Exclude Subsurface Waste Water Disposal Systems, Geothermal Heat Exchange Wells and Wells or Water Wells from the Definition of "Structure" | PUBLIC 489 |
|----------------|---|-------------------|

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SAVIELLO | OTP-AM | S-417 |

This bill excludes subsurface waste water disposal systems from the definition of "structure" in the laws governing shoreland zoning.

Committee Amendment "A" (S-417)

This amendment retains the provision of the original bill that excludes subsurface waste water disposal systems from the definition of "structure" in the laws governing shoreland zoning but adds provisions to exclude geothermal heat exchange wells and wells or water wells from the definition as well.

Enacted Law Summary

Public Law 2013, chapter 489 excludes subsurface waste water disposal systems, geothermal heat exchange wells and wells or water wells from the definition of "structure" in the laws governing shoreland zoning.

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| LD 1771 | Resolve, Regarding Legislative Review of Portions of Chapter 13: Metallic Mineral Exploration, Advanced Exploration and Mining, a Major Substantive Rule of the Maine Land Use Planning Commission | Accepted Majority (ONTP) Report |
|----------------|---|--|

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | ONTP OTP | |

This resolve provides for legislative review of Portions of Chapter 13: Metallic Mineral Exploration, Advanced Exploration and Mining, a major substantive rule of the Maine Land Use Planning Commission.

| | | |
|----------------|---|-----------------------|
| LD 1772 | Resolve, Regarding Metallic Mineral Exploration, Advanced Exploration and Mining | Veto Sustained |
|----------------|---|-----------------------|

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP-AM OTP-AM | H-769 H-776 WELSH |

This resolve provides for legislative review of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a major substantive rule of the Department of Environmental Protection that was filed outside the legislative rule acceptance period.