

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

STAFF:

DANIEL TARTAKOFF, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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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

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.

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

<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.

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

<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 Veto Sustained
Exploration and Mining

<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.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "A" (H-769)

This amendment is the majority report of the committee and replaces the original resolve. It disapproves final adoption of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a provisionally adopted major substantive rule of the Department of Environmental Protection that was filed outside the legislative rule acceptance period, and Portions of Chapter 13: Metallic Mineral Exploration, Advanced Exploration and Mining, a provisionally adopted major substantive rule of the Maine Land Use Planning Commission. It directs the Department of Environmental Protection to, as soon as practicable, repeal its existing metallic mineral mining rules and adopt metallic mineral mining rules identical to those rules in effect immediately prior to the routine technical rule amendments to exploration and advanced exploration sections that took effect on April 21, 2013. It directs the Department of Environmental Protection to, by February 1, 2016 provisionally adopt and submit to the Legislature for review major substantive rules related to the Maine Metallic Mineral Mining Act. It directs the Maine Land Use Planning Commission to, by February 1, 2016 provisionally adopt and submit to the Legislature for review major substantive rules related to commission certification of metallic mineral mining permit applications as described in the Maine Metallic Mineral Mining Act. It directs the Department of Environmental Protection to draw funding for its rule-making activities authorized in this resolve from the Metallic Mining Fund established under Public Law 2011, chapter 653, section 32.

Committee Amendment "B" (H-770)

This amendment is the minority report of the committee and replaces the original resolve. It authorizes final adoption 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, only if the rule is amended to make necessary nonsubstantive grammatical, formatting, punctuation or other technical editing changes.

House Amendment "A" To Committee Amendment "A" (H-776)

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

LD 1773	Resolve, Regarding Legislative Review of Portions of Chapter 106: Low Sulfur Fuel, a Late-filed Major Substantive Rule of the Department of Environmental Protection	RESOLVE 95 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of portions of Chapter 106: Low Sulfur Fuel, a major substantive rule of the Department of Environmental Protection that was filed outside the legislative rule acceptance period.

Enacted Law Summary

Resolve 2013, chapter 95 authorizes final adoption of portions of Chapter 106: Low Sulfur Fuel, a provisionally adopted major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review outside the legislative rule acceptance period.

Resolve 2013, chapter 95 was finally passed as an emergency measure effective March 22, 2014.