

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



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

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

May 2016

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STAFF:

DANIEL TARTAKOFF, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

STATE OF MAINE

127TH LEGISLATURE

SECOND REGULAR SESSION



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 Second Regular Session of the 127th 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. An appendix provides a summary of relevant session statistics.

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 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 127th Legislature is July 29, 2016. 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

LD 713 Resolve, To Further Protect Lake Water Quality

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD G SAVIELLO T	ONTP	

This resolve was carried over from the First Regular Session of the 127th Legislature.

This resolve directs the Department of Environmental Protection to, as soon as practicable, amend its Rule Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances in effect on the effective date of the resolve to reflect a number of changes, including changes to setbacks for new principal and accessory structures, phosphorus mitigation requirements in conjunction with the expansion of the footprint of a structure within the setback area and requirements for the location of wells within the setback area. The resolve also directs the Commissioner of Environmental Protection to convene a stakeholder group to conduct a study regarding the effectiveness of the department's shoreland zoning rules since January 1, 2005 and to report its findings and any recommendations for legislation to the Joint Standing Committee on Environment and Natural Resources by January 1, 2016. The committee may report out a bill relating to those recommendations to the Second Regular Session of the 127th Legislature.

**LD 795 An Act To Encourage Prudent Development along the Coast or in a
Flood Zone by Considering Predictions for Sea Level Rise**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M GERZOFKY S	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to enact measures that would require sea level model predictions to be taken into account in the design phase of any development project on the coast or in a flood zone if more than 10% of the total funding for the project is state funding. "Development project" includes, but is not limited to, the development of buildings, land, walkways, bridges, roads, culverts and piers. The bill also proposes to enact measures to require coordination among state and federal agencies, universities and stakeholders concerning development projects on the coast or in a flood zone that may be affected by sea level rise.

**LD 1254 Resolve, To Further Study the Implementation and Funding of an
Integrated Beach Management Program**

**RESOLVE 66
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R COLLINS R	OTP-AM	H-532

This bill was initially referred to the Joint Standing Committee on Taxation and carried over from the First Regular Session of the 127th Legislature.

During the Second Regular Session of the 127th Legislature, the Joint Standing Committee on Taxation re-referred this bill to the Joint Standing Committee on Environment and Natural Resources, along with recommendations regarding removal of the funding mechanism proposed in the bill.

Joint Standing Committee on Environment and Natural Resources

This bill implements and provides a funding mechanism for an integrated coastal beach management program. It imposes a \$1 per day fee, effective October 1, 2015, on the rental, between May 1st and October 31st, of living quarters in any hotel, rooming house or tourist or trailer camp, to be deposited into the Beach Management Fund established by the bill. This bill also establishes the Beach Advisory Group, chaired by the Commissioner of Environmental Protection and composed of eight additional members from state agencies and the public, which meets at least twice per year and advises the Department of Environmental Protection on matters related to the management, preservation and restoration of beaches in the State. The advisory group must also deliver an annual report to the joint standing committee of the Legislature having jurisdiction over natural resources matters, and the committee may report out a bill related to the report. This bill directs and provides criteria for the department to develop and maintain a priority list ranking all beaches within the State based on suitability for beach nourishment, dune restoration, land acquisition or other enhancement techniques. This bill stipulates that resources in the Beach Management Fund may be used to develop coordinated programs for technical assistance to municipalities and homeowners; to provide assistance in the development and implementation of local beach management, preservation and restoration projects; and to reimburse the department for administrative costs. Disbursements from the fund must be consistent with the priority list developed by the department.

This bill directs the Department of Agriculture, Conservation and Forestry, Division of Geology, Natural Areas and Coastal Resources, Maine Coastal Program to submit to the Department of Environmental Protection, by January 15, 2016, a report containing a draft priority ranking for specific beach management projects in the State, highlighting one or more focal beach areas with willing sellers for potential acquisition by the State. This bill directs the Department of Agriculture, Conservation and Forestry, Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey to submit to the Department of Environmental Protection, by January 15, 2016, a report recommending priority rankings for each Maine beach based upon its geologic characteristics and suitability for beach nourishment, dune restoration or other physical management techniques, and identifying four to six beaches in need of management and most suitable for these techniques. This bill directs the Department of Inland Fisheries and Wildlife to submit to the Department of Environmental Protection, by January 15, 2016, a report recommending priority rankings for each Maine beach based upon its habitat value.

Committee Amendment "A" (H-532)

This amendment replaces the bill with a resolve directing the Commissioner of Environmental Protection and the Commissioner of Agriculture, Conservation and Forestry to convene a working group to review the report titled "Protecting Maine's Beaches for the Future: A Proposal to Create an Integrated Beach Management Program," dated February 2006, prepared by the Beach Stakeholder's Group and submitted to the Joint Standing Committee on Natural Resources during the Second Regular Session of the 122nd Legislature, update the data and findings contained in that report and develop recommendations regarding the implementation and funding of an integrated beach management program. The Commissioner of Environmental Protection is directed, by January 31, 2017, to submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters detailing the findings and recommendations of the working group, and the committee is authorized to report out a bill relating to the report to the First Regular Session of the 128th Legislature. The amendment also adds an emergency preamble and emergency clause.

Enacted Law Summary

Resolve 2015, chapter 66 directs the Commissioner of Environmental Protection and the Commissioner of Agriculture, Conservation and Forestry to convene a working group to review the report titled "Protecting Maine's Beaches for the Future: A Proposal to Create an Integrated Beach Management Program," dated February 2006, prepared by the Beach Stakeholder's Group and submitted to the Joint Standing Committee on Natural Resources during the Second Regular Session of the 122nd Legislature, update the data and findings contained in that report and develop recommendations regarding the implementation and funding of an integrated beach management program. The Commissioner of Environmental Protection is directed, by January 31, 2017, to submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters detailing the findings and recommendations of the working group, and the committee is authorized to report out a bill relating to the report to the First Regular Session of the 128th Legislature.

Joint Standing Committee on Environment and Natural Resources

Resolve 2015, chapter 66 was finally passed as an emergency measure effective March 27, 2016.

LD 1478 An Act To Reestablish Recreational Use of a Historic Trolley Line in the Town of Gray **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C AUSTIN S	ONTP OTP	

This bill allows the Town of Gray to exempt certain strips of land from shoreland zoning setback requirements and vegetation clearing standards for the purpose of operating the Maine Narrow Gauge Railroad Company and Museum. The bill also exempts those strips of land from the requirement to obtain a Natural Resources Protection Act permit for the clearing of vegetation associated with the operation of the Maine Narrow Gauge Railroad Company and Museum.

LD 1494 An Act To Revise Oil Spill Reporting Standards **Died In Concurrence**

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

Current law provides that if a person discharges oil into or upon certain water bodies, lands adjacent to certain water bodies, public or private water supplies or sewers that person is not subject to fines or civil penalties if that person, in addition to taking other actions, reports the discharge. This bill exempts discharges of less than 10 gallons from the reporting requirement.

Committee Amendment "A" (H-543)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

This amendment was not adopted.

LD 1535 An Act To Protect Firefighters by Prohibiting the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER L LAJOIE M		

This bill was not referred to a committee.

This bill prohibits a person from selling or offering for sale or distributing for promotional purposes new upholstered furniture containing more than 0.1% of a flame-retardant chemical or containing more than 0.1% of a mixture that includes flame-retardant chemicals.