

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

August 2017

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE  
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## 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 First Regular Session of the 128<sup>th</sup> 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 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 First Regular Session of the 128<sup>th</sup> Legislature is Wednesday, November 1, 2017. 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**

This bill amends the law that defines a "subdivision." Current law provides that a subdivision is not created by the transfer of any interest in land to the owners of land abutting that land, unless the intent of the transferor is to avoid the objectives of the law governing subdivisions. The provision, however, qualifies this exclusion and provides that a subdivision is created if the land that was transferred is again transferred within five years to another person without all of the merged land; this bill removes this additional qualification.

**LD 683      An Act To Fund the Maine Solid Waste Diversion Grant Program and      ONTP**  
**To Phase Out Certain Containers from the Bottle Redemption Laws**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W CUSHING A	ONTP	

This bill phases out beverage containers 46 ounces and greater in capacity from the bottle redemption laws beginning December 1, 2017. It ends the liability of redemption centers and dealers to consumers for deposits January 1, 2018 and the liability of manufacturers and distributors February 1, 2019. The bill requires manufacturers of certain refillable containers and distributors of certain nonrefillable containers to pay a fee, beginning December 1, 2017, and ending December 1, 2022, at the rate of \$0.005 per beverage container delivered for sale or distribution during any month. All of the revenue from the fee is deposited into the Maine Solid Waste Management Fund for use by the Maine Solid Waste Diversion Grant Program.

**LD 684      An Act To Increase Vegetative Buffers in the Shoreland Zone      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L GRATWICK G	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the laws governing shoreland zoning to increase the vegetative buffer requirement from 75 feet to 150 feet for certain areas in the shoreland zone. The bill also proposes to remove provisions in law that grandfather certain parcels of land and that allow smaller vegetative buffers on those parcels.

**LD 685      An Act To Establish the Mining Advisory Panel      Accepted Majority  
(ONTP) Report**

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

This bill establishes the Mining Advisory Panel, the purpose of which is to design and submit to the Legislature recommendations regarding the establishment of a statutory and regulatory framework for metallic mineral mining in the State. The panel consists of between three and seven members, some of whom must have expertise in the mining of volcanogenic massive sulfide deposits. On or before December 31, 2019, the panel must submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters containing its findings and recommendations, including draft legislation, regarding the establishment of a statutory and regulatory framework for metallic mineral mining. The Mining Advisory Panel is eliminated January 1, 2020.

*Joint Standing Committee on Environment and Natural Resources*

**Committee Amendment "A" (H-228)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section to fund the operating and support costs of the Mining Advisory Panel.

This amendment was not adopted.

**LD 739      An Act To Improve Beach-cast Seaweed Management for Health, Ecology and Tourism      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L	ONTP	

This bill allows municipalities to remove beach-cast seaweed without having to obtain a permit pursuant to the Natural Resources Protection Act after large storms or tides have deposited large amounts of beach-cast seaweed.

**LD 805      An Act To Streamline the Municipal Review Process When Dividing a Structure into 3 or More Dwelling Units and To Amend the Process for Recording Subdivision Variances      PUBLIC 104**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N CAMPBELL R	OTP-AM	S-70

This bill amends the laws governing subdivisions. The bill exempts from the law governing subdivisions a division of a structure into three or more dwelling units in a municipality where the project is subject to municipal site plan review. The bill amends the provision concerning when a municipal ordinance may have a definition of "subdivision" that conflicts with state law. The bill removes the authority of a municipality to expand the definition of "subdivision" to include the division of a structure into commercial or industrial units. The bill removes the requirement that variances from subdivision criteria be recorded in the registry of deeds within 90 days after final approval of a subdivision plan, but retains the requirement that the variance be recorded to be valid. The bill repeals provisions under which leased dwelling units are not subject to subdivision review.

**Committee Amendment "A" (S-70)**

This amendment provides that the exemption in the bill from the subdivision laws for the division of a new or existing structure in a municipality where a project is subject to municipal site plan review takes effect July 1, 2018. The amendment also requires that variances from subdivision criteria be recorded within two years of final subdivision approval; the bill removes a provision in current law requiring such recording within 90 days.

**Enacted Law Summary**

Public Law 2017, chapter 104 amends the laws governing subdivisions as follows.

1. Effective July 1, 2018, it exempts from the law governing subdivisions a division of a structure into three or more dwelling units in a municipality where the project is subject to municipal site plan review.
2. It amends the provision concerning when a municipal ordinance may have a definition of "subdivision" that conflicts with state law.
3. It removes the authority of a municipality to expand the definition of "subdivision" to include the division of a structure into commercial or industrial units.