

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
128TH 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

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/>

MEMBERS:

SEN. THOMAS B. SAVIELLO, CHAIR
SEN. AMY F. VOLK
SEN. GEOFFREY M. GRATWICK

REP. RALPH L. TUCKER, CHAIR
REP. ROBERT S. DUCHESNE
REP. JOHN L. MARTIN
REP. DENISE PATRICIA HARLOW
REP. JESSICA L. FAY
REP. STANLEY PAIGE ZEIGLER, JR.
REP. JONATHAN L. KINNEY
REP. RICHARD H. CAMPBELL
REP. JEFFERY K. PIERCE
REP. SCOTT WALTER STROM

STATE OF MAINE

128TH LEGISLATURE
FIRST 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 First Regular Session of the 128th 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 128th 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

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.

Joint Standing Committee on Environment and Natural Resources

- 4. It removes the requirement that variances from subdivision criteria be recorded in the registry of deeds within two years after final approval of a subdivision plan, but retains the requirement that the variance be recorded to be valid.
- 5. It repeals provisions under which leased dwelling units are not subject to subdivision review.

LD 820 An Act To Protect Maine's Clean Water and Taxpayers from Mining PUBLIC 142
Pollution

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B FOLEY R	OTP-AM ONTP	S-73

This bill amends the State's mining laws as follows.

- 1. It prohibits the issuance of a mining lease under the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 3 if the proposed mining operation is to be wholly or partially located in, on or under any designated land, state historic site, state park, public reserved land, submerged land or state-owned wildlife management area or the Allagash Wilderness Waterway. The bill also prohibits the issuance of a mining permit under the Maine Metallic Mineral Mining Act, referred to in this summary as the "Mining Act," if any part of the mining operation will be located wholly or partially in, on or under any of the same state lands.
- 2. It amends the definition of "mining area" under the Mining Act to restrict that definition to an area of land from which earth material is removed in connection with the mining of ore.
- 3. It amends the rule-making authority of the Department of Environmental Protection under the Mining Act to require that any rule or rule change proposed by the department in accordance with its authority under the Mining Act may not be finally adopted by the department unless legislation authorizing final adoption of such rules is enacted into law.
- 4. It prohibits the placement of any mining operation under the Mining Act in, on or under a river, stream or brook, a great pond, a freshwater wetland or a coastal wetland.
- 5. It amends permit approval conditions under the Mining Act relating to discharges causing groundwater contamination by allowing only for limited contamination of groundwater within a mining area that does not result in contamination of groundwater beyond the mining area; contamination of groundwater within the mining area that exceeds certain water quality criteria for pollutants; contamination of groundwater within the mining area that exceeds a specified level determined by the department based on site-specific geologic and hydrologic characteristics and in accordance with standards established by rule that are designed to minimize pollution from mining operations; or any violation of surface water quality standards.
- 6. It prohibits the placement of any mining operation under the Mining Act in, on or under a flood plain or a flood hazard area.
- 7. It requires an applicant for a permit or a permittee under the Mining Act to provide special financial assurance coverage for a worst-case catastrophic mining event or failure.
- 8. It requires the department, on or before January 12, 2018, to provisionally adopt and submit to the Legislature for review major substantive rules relating to the Mining Act.

Committee Amendment "A" (S-73)