

MAINE STATE LEGISLATURE

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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

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STATE OF MAINE

128TH 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 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

LD 1094 An Act To Amend the Laws Governing the Review of Subdivisions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E CUSHING A	ONTP	

This bill amends the definition of "subdivision" in the laws regarding planning and land use regulation for subdivisions to specify that dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review that is at least as stringent. Current law specifies that leased dwelling units are not subject to subdivision review.

LD 1095 An Act To Establish the Maine Coastal Risks and Hazards Commission

CARRIED OVER

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

This bill establishes the Maine Coastal Risks and Hazards Commission, the purpose of which is to make findings and develop and submit to the Legislature recommendations regarding the actions to be taken by the State to address and prepare for coastal and coastal watershed hazards identified by the commission, including, but not limited to, increased storm surges, extreme precipitation and other extreme weather events, projected sea level rise and increased river flooding and storm water runoff. On or before November 1, 2019, and every five years thereafter, the commission 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 any draft legislation to address identified coastal and coastal watershed hazards.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1096 An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L BELLOWS S	OTP-AM ONTP	

This bill amends the laws relating to the State's regulation of the shoreland zone as follows.

1. It requires the Department of Economic and Community Development, Office of Community Development to provide both basic and advanced training to code enforcement officers in the technical and legal aspects of code enforcement. Current law only requires that the office provide basic training to code enforcement officers.
2. It increases the maximum per day civil penalty for a specific violation of a municipal land use law or ordinance from \$2,500 to \$5,000 and increases the maximum per day civil penalty for a specific violation of a municipal shoreland zoning ordinance occurring within an area zoned for resource protection from \$5,000 to \$10,000.
3. It provides that municipal shoreland zoning ordinances must require an applicant for a permit for development within the shoreland zone to provide to the municipal permitting authority preconstruction and postconstruction photographs of the shoreline vegetation and development site.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "A" (H-370)

This amendment, which is the majority report of the committee, changes the title and amends the bill as follows.

1. It strikes the requirement that the Department of Economic and Community Development, Office of Community Development provide advanced training to code enforcement officers.
2. It strikes the proposed increases in the maximum per day civil penalty for specific violations of certain municipal land use laws or ordinances.
3. It retains the provision that municipal shoreland zoning ordinances must require an applicant for a permit for development within the shoreland zone to provide to the municipal permitting authority preconstruction and postconstruction photographs of the shoreline vegetation and development site.

The fiscal note on this amendment identifies as a potential state mandate certain requirements in the amendment relating to photographic records of developments within the shoreland zone. To be considered a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The members of the committee voting for this report find that the provisions identified in the fiscal note as a potential mandate do not require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue.

This amendment was not adopted.

LD 1178 An Act To Better Understand and Control Invasive Aquatic Plants and Nuisance Species ONTP

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

This bill temporarily increases by \$1 the annual fee for the lake and river protection sticker required under the Maine Revised Statutes, Title 12, section 13058. The bill requires a study of the State's efforts to prevent the infestation of, to control, to eradicate and to otherwise manage invasive aquatic plants and nuisance species in the waters of the State through the program implemented under Title 38, chapter 20-A. The revenue from the temporary fee increase may be used to fund this study. The bill directs the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife, in cooperation with the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species, to facilitate this study, which must, among other things, identify the additional amount of funding, if any, necessary to ensure the long-term viability and success of the statutory program as well as recommendations for acquiring that additional amount of funding.

On or before January 15, 2018, the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife jointly are required to submit a report to the Joint Standing Committee on Environment and Natural Resources and the Joint Standing Committee on Inland Fisheries and Wildlife detailing the findings and recommendations of the study, including any draft legislation, and the Joint Standing Committee on Environment and Natural Resources, in consultation with the Joint Standing Committee on Inland Fisheries and Wildlife, may report out a bill relating to the report to the Second Regular Session of the 128th Legislature.