

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<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 2019

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# STATE OF MAINE

129<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 129<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 129<sup>th</sup> Legislature is Thursday, September 19, 2019. 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 was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 550      An Act To Amend the Definition of "Subdivision" in the Laws  
Governing Planning and Land Use Regulation for Subdivisions and a  
Provision Excepting the Division of a New or Existing Structure from  
Those Laws Beginning July 1, 2018**

**PUBLIC 174**

| <u>Sponsor(s)</u>     | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| LIBBY N<br>CAMPBELL D | OTP-AM                  | S-97                      |

This bill changes the date by which definitions of "subdivision" that are in municipal ordinances and that conflict with state law must comply with the definition of "subdivision" in state law. It also extends the time municipalities have to register an ordinance with a conflicting definition with the registry of deeds. The bill also removes cross-references to the site location of development laws in an exemption to municipal subdivision review and adds a cross-reference to the law governing municipal site plan review ordinances.

**Committee Amendment "A" (S-97)**

This amendment includes a definition for the term "municipal site plan review" as used in an exemption to municipal subdivision review requirements. It also makes the changes to the subdivision law that are included in the bill retroactive to June 30, 2018.

**Enacted Law Summary**

Public Law 2019, chapter 174 amends the State's subdivision laws as follows.

1. It changes the date by which definitions of "subdivision" that are in municipal ordinances and that conflict with state law must comply with the definition of "subdivision" in state law.
2. It extends the time municipalities have to register an ordinance with a conflicting definition of "subdivision" with the registry of deeds.
3. It removes cross-references to the site location of development laws in an exemption to municipal subdivision review, instead requiring that projects eligible for that exemption be subject to "municipal site plan review," a term which is also defined in the enacted law.
4. It specifies that the changes to the subdivision laws that are included in the enacted law are retroactive to June 30, 2018.

**LD 559      An Act To Restore Regular Mapping of Eelgrass Beds in the State**

**CARRIED OVER**

| <u>Sponsor(s)</u>       | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------------|-------------------------|---------------------------|
| MCCREIGHT J<br>CARSON B | OTP-AM                  | H-48                      |

This bill directs the Department of Environmental Protection, in consultation with the Department of Marine Resources, to establish and administer a program to regularly produce and update maps regarding the distribution of eelgrass beds in the State. Data collected and maps produced under this program must be made available on the Department of Environmental Protection's publicly accessible website. The Department of Environmental

***Joint Standing Committee on Environment and Natural Resources***

Protection is directed to submit to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters on or before January 1, 2021, and biennially thereafter, a report on the data collected and maps produced under this program.

**Committee Amendment "A" (H-48)**

This amendment creates the Eelgrass Mapping Fund to support the establishment and administration of the eelgrass mapping program required under the bill and authorizes the fund to accept grants, bequests, gifts or contributions from any source, public or private. The amendment also revises the mapping schedule for the mapping of eelgrass beds as proposed in the bill and adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

**LD 562      An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities**

**PUBLIC 40**

| <u>Sponsor(s)</u>  | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| BLUME L<br>BREEN C | OTP-AM<br>ONTP          | H-38                      |

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 a municipal shoreland zoning ordinance 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.

**Committee Amendment "A" (H-38)**

This amendment, which is the majority report of the committee, amends the bill by removing the requirement that the Department of Economic and Community Development, Office of Community Development provide both basic and advanced training to code enforcement officers in the technical and legal aspects of code enforcement and instead removes from existing law the designation that the training program required by statute be basic.

**Enacted Law Summary**

Public Law 2019, chapter 40 amends the laws relating to the State's regulation of the shoreland zone as follows.

1. It removes from existing law the designation that the required training program for code enforcement officers in the technical and legal aspects of code enforcement, as implemented by the Department of Economic and Community Development, Office of Community Development, be basic.
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.