

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH 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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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 129th 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 129th 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

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 BREEN C	OTP-AM 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.

Joint Standing Committee on Environment and Natural Resources

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.

LD 565 An Act To Establish the Maine Coastal Risks and Hazards Commission ONTP

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

This bill establishes the Maine Coastal Risks and Hazards Commission, the purpose of which is to develop and submit legislative 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, 2022, and every four 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 recommendations, including any draft legislation, to address and prepare for identified coastal and coastal watershed hazards.

LD 575 An Act To Increase the Bottle Redemption Deposit and the Amount Retained by Bottle Redemption Centers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANINGTON S	ONTP	

This bill amends the State's bottle redemption laws as follows.

1. It increases to 10¢ the deposit and refund value on refillable and nonrefillable beverage containers whose deposit and refund value is currently 5¢. This increase does not apply to wine and spirits containers.
2. It repeals the provision that authorizes the reduced handling fee for small brewers and water bottlers.
3. It increases by 3¢ per returned container the reimbursement to the dealer or local redemption center for the cost of handling beverage containers beginning January 1, 2020.

LD 579 An Act To Update Beverage Container Deposits and Redemption Values ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S DAVIS P	ONTP	

This bill amends the State's bottle redemption laws as follows.

1. It increases to 15¢ the deposit and refund value on refillable and nonrefillable beverage containers whose deposit and refund value is currently 5¢. The bill also increases from 5¢ to 15¢ the deposit and refund value of wine and spirits containers of 50 milliliters or less, and from 15¢ to 45¢ the deposit and refund value of wine and spirits