

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

*Bill Summaries
Joint Standing Committee
on
Natural Resources*

July 2003

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Sen. Betheda G. Edmonds
Sen. W. Tom Sawyer, Jr.*

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
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Joint Standing Committee on Natural Resources

11. It provides that grant money to all owners required to remove overboard discharge must be based on their ability to pay and that, if no grant money is available, the installation may be postponed until grant money is available.
12. It eliminates the conditional permit provision in current law.
13. It clarifies the determination of flow volume and seasonal use and provides greater flexibility for the homeowner to prove year-round use.
14. It eliminates obsolete statutory language.
15. It restricts the Department of Environmental Protection's authority to require the installation of holding tanks on seasonal overboard discharges.
16. It deletes a section of law that provided for license terms prior to the State being delegated authority to issue permits under the Federal Water Pollution Control Act.

LD 1515

An Act To Promote and Monitor Competition in the Solid Waste Industry

PUBLIC 338

<u>Sponsor(s)</u> MARTIN KOFFMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-163
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LD 1515 proposed to impose restrictions on the use of so-called "evergreen" contract clauses in small container commercial trash hauling contracts. The bill proposed that it is the policy of the State to ensure that municipalities and businesses enjoy reasonable, competitive options for the management and disposal of solid waste and proposed to broaden the data collection and reporting responsibilities of the Executive Department, State Planning Office.

Committee Amendment "A" (S-163) proposed to replace the bill. The amendment proposed to require contractors in the small container commercial trash hauling business to notify a customer with a contract containing an automatic renewal provision between 60 and 90 days prior to the contract termination date that if the customer does not, within 60 days, notify the contractor of the customer's intention to terminate the contract, the contract will be automatically renewed. The amendment also proposed to limit the charge for early termination of a small container commercial trash hauling contract to a maximum of 3 times the current monthly charge. The amendment also proposed to prohibit these contracts from requiring the customer to inform the contractor of the prices or terms offered by competitors. The amendment also proposed that these contract restrictions do not apply to current contracts. The amendment also proposed to require the Executive Department, State Planning Office to report on how changes in available disposal capacity have affected or are likely to affect disposal prices.

Enacted Law Summary

Public Law 2003, chapter 338 requires contractors in the small container commercial trash hauling business to notify a customer with a contract containing an automatic renewal provision between 60 and 90 days prior to the contract termination date that if the customer does not, within 60 days, notify the contractor of the customer's intention to terminate the contract, the contract will be automatically renewed. It also limits the charge for early

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termination of a small container commercial trash hauling contract to a maximum of 3 times the current monthly charge. It also prohibits these contracts from requiring the customer to inform the contractor of the prices or terms offered by competitors. It also provides that these contract restrictions do not apply to current contracts. It also requires the Executive Department, State Planning Office to report on how changes in available disposal capacity have affected or are likely to affect disposal prices.

LD 1529

An Act To Reclassify Certain Waters of the State

PUBLIC 317

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL MARTIN	OTP-AM	H-373

LD 1529 proposed to provide a list of recommendations that the Board of Environmental Protection is making to the Legislature pursuant to the guidance for reclassification of waters provided in the Maine Revised Statutes, Title 38, section 464, subsection 2. This list includes many waters where recent water quality investigations indicate that quality of a higher class has been achieved, as required in Title 38, section 464, subsection 4, paragraph F, subparagraph (4). Additionally, some waters are proposed when the expectation to achieve a higher classification has been found to be desirable and feasible. This bill also proposed the addition of the new designated use of subsistence fishing for certain segments of the Penobscot River. The bill proposed that the Board of Environmental Protection adopt routine technical rules no later than March 1, 2004 that establish water quality criteria protective of human health for toxic pollutants in the segments having subsistence fishing as a designated use.

Committee Amendment "A" (H-373) proposed to remove certain proposed reclassifications from the bill and authorize the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 121st Legislature in connection with those matters. The amendment also proposed to remove the proposal to add a new designated use of subsistence fishing for certain segments of the Penobscot River and proposed to authorize the joint standing committee to report out legislation to the Second Regular Session of the 121st Legislature in connection with that issue. The amendment also proposed to reclassify as Class A certain waters that are currently Class B and were proposed in the bill to be classified as Class AA. The amendment also proposed to provide for license limits for total residual chlorine and bacteria for existing discharges of wastewater on a segment of the Kennebec River in Augusta.

Enacted Law Summary

Public Law 2003, chapter 317 makes changes in the classification of waters of the state. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 121st Legislature on reclassifications that were proposed in LD 1529 but not included in chapter 317 and on defining and identifying subsistence fishing as a designated use for certain waters. It also provides for license limits for total residual chlorine and bacteria for existing discharges of wastewater on a segment of the Kennebec River in Augusta, retroactively to January 1, 2003.