

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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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

6. It repeals the requirement of annual reporting to the Legislature by the Commissioner of Environmental Protection on unavoidable malfunctions.
7. It amends the statutes to change a hearing and reporting requirement concerning classification standards from once every 3 years to once every 4 years.
8. It amends the statutes to make the creation of a wetland compensation fee program optional rather than mandatory, specifically adds municipalities to the types of organizations that may create a wetland compensation fee program, deletes the mandatory annual reporting requirement for any such program and deletes the requirement that funds from such a program are turned over to the department if the department's authorization of that program is revoked.
9. It repeals the requirement of annual reporting to the Legislature on the wetlands compensation fee program.
10. It repeals the provision that repeals the wetland compensation fee program effective October 15, 2003.
11. It makes the changes necessary to extend the sunset date for coverage of oil spill cleanup costs by the Ground Water Oil Clean-up Fund. The fund covers cleanup costs for spills from aboveground or underground oil tanks. It extends the fund insurance program by 5 years to December 31, 2010.
12. It incorporates by reference the latest version of the federal regulations governing spill prevention and control at aboveground oil storage facilities. The purpose of this change is to ensure state and federal requirements are consistent with each other.

LD 1549

An Act To Fund Municipal Collection of Household Hazardous Waste

P & S 30

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	H-494
	OTP-AM B	S-303 CATHCART
	ONTP C	

LD 1549 proposed to generate revenue for the purpose of providing state cost share support for the operational costs incurred by municipalities in the management of household hazardous waste. Under the proposal, revenue would be generated by imposing a 20¢ fee on the retail sale of architectural coatings sold in containers of one gallon and on each unit of general use pesticide distributed for retail sale in this State.

Committee Amendment "A" (H-494) was the majority report of the Joint Standing Committee on Natural Resources. It proposed to replace the bill. The amendment proposed to transfer \$438,820 from the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund to provide state cost share support for household hazardous waste collection programs. It proposed to require that principal and interest payments received in the Waste Reduction and Recycling Loan Fund be deposited in the Maine Solid Waste Management Fund within 60 days of receipt. It proposed that beginning January 1, 2005, revenue would be generated by imposing a 20¢ fee on the retail sale of architectural coatings and on general use pesticide distributed for retail sale in the State. The Department of Agriculture, Food and Rural Resources, Board of Pesticides Control would collect the pesticide fee and the Department of Administrative and Financial Services, Bureau of Revenue Services would collect the architectural coatings fee. It also proposed that the Joint Standing Committee on Natural

Joint Standing Committee on Natural Resources

Resources be authorized to report out legislation during the Second Regular Session of the 121st Legislature concerning alternate sources of funding for municipal collection of household hazardous waste. This amendment also proposed to add an appropriation and allocation section to the bill.

Committee Amendment "B" (H-495) was a minority report of the Joint Standing Committee on Natural Resources. It proposed to replace the bill. The amendment proposed to transfer \$438,820 from the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund to provide state cost share support for operational costs for household hazardous waste collection programs for 2 years. It proposed to require that principal and interest payments received in the Waste Reduction and Recycling Loan Fund be deposited in the Maine Solid Waste Management Fund within 60 days of receipt. This amendment also proposed to add an appropriation section. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-526) proposed to exempt a container of general use pesticide distributed within this State for use by a commercial agricultural producer or a certified pesticide applicator from the fee on general use pesticides. It also proposed that revenues derived from the fees imposed by the Maine Revised Statutes, Title 36, chapter 721 and Title 22, section 1471-W must be transferred from the Maine Solid Waste Management Fund in accordance with certain provisions of law. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-303) proposed to require the Finance Authority of Maine to transfer \$438,820 from the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund administered by the Executive Department, State Planning Office and the Department of Environmental Protection by June 30, 2004. This amendment also proposed to require the Finance Authority of Maine to transfer principal and interest repayments received in the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund within 60 days of receipt. The Finance Authority of Maine estimated the average annual principal and interest repayments to be approximately \$46,478 per year with the last payment date of the current loans outstanding being November 2017.

As proposed, the additional revenue is intended to provide state cost share support for the operational costs incurred by municipalities in the management of household hazardous waste. At least 90% of these funds must be allocated to the State Planning Office, 5% may be transferred to the Department of Environmental Protection and 5% may be transferred to the Department of Agriculture, Food and Rural Resources to carry out the purposes of this amendment. The additional costs associated with administering this proposed state cost share program to municipalities can be absorbed by the State Planning Office utilizing existing budgeted resources.

The amendment also proposed that the Department of Environmental Protection conduct a study regarding ongoing sources of funding for municipal collection of hazardous waste. It also proposed that the Joint Standing Committee on Natural Resources report out legislation during the Second Regular Session concerning ongoing sources of funding.

Enacted Law Summary

Private and Special Law 2003, chapter 30 requires the Finance Authority of Maine to transfer \$438,820 from the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund administered by the Executive Department, State Planning Office and the Department of Environmental Protection by June 30, 2004. It also requires the Finance Authority of Maine to transfer principal and interest repayments received in the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund within 60 days of receipt. The Finance Authority of Maine estimates the average annual principal and interest repayments to be approximately \$46,478 per year with the last payment date of the current loans outstanding being November 2017.

Joint Standing Committee on Natural Resources

The additional revenue is intended to provide state cost share support for the operational costs incurred by municipalities in the management of household hazardous waste. At least 90% of these funds must be allocated to the State Planning Office, 5% may be transferred to the Department of Environmental Protection and 5% may be transferred to the Department of Agriculture, Food and Rural Resources to carry out the purposes of this chapter. The additional costs associated with administering this state cost share program to municipalities can be absorbed by the State Planning Office utilizing existing budgeted resources.

Chapter 30 also requires the Department of Environmental Protection to conduct a study regarding ongoing sources of funding for municipal collection of hazardous waste. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session of the 121st Legislature concerning ongoing sources of funding.

LD 1570 An Act Concerning Storm Water Management

**PUBLIC 318
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-151

LD 1570 proposed to amend Maine's storm water management law to extend the review period for applicants proposing solely vegetative means to control storm water from 30 to 45 calendar days and the review period for applicants proposing to use structural means from 60 to 90 days.

It proposed to allow the discharge of storm water to waters having a drainage area of less than 10 square miles if the discharge is in conformance with state and local requirements.

It proposed that certain discharge limitations do not apply to the discharge of storm water.

It proposed that storm water discharges to Class A waters must be in compliance with state and local requirements.

It proposed to change the allocation of the law prohibiting the placement of materials on the banks of Class A waters in any manner so that the transfer of pollutants into the waters is likely.

The bill also proposed to require the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 2004. As proposed, the report must include recommendations for improving the effectiveness of storm water management in this State and include rules provisionally adopted pursuant to the Maine Revised Statutes, Title 38, sections 413 and 420-D that regulate storm water discharges to impaired waters from existing development where necessary to allow restoration of water quality and from new development both during and after construction. The bill proposed to require the department to consult with state and federal agencies and environmental and business interest groups when considering recommendations. As proposed, the Joint Standing Committee on Natural Resources may report out legislation related to storm water management to the Second Regular Session of the 121st Legislature.

Committee Amendment "A" (S-151) proposed to change the review period for individual permits for projects using vegetative buffers back to 30 days, which is the review period currently in law. The amendment also proposed to clarify that material may not be deposited on the banks of Class A waters in any manner that makes transfer of pollutants into the waters likely. The amendment also proposed to remove the requirement that the