

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Natural Resources*

August 2005

Members:

*Sen. Scott W. Cowger, Chair
Sen. John L. Martin
Sen. Lois A. Snowe-Mello*

*Rep. Theodore S. Koffman, Chair
Rep. Joanne T. Twomey
Rep. Thomas B. Saviello
Rep. Judd D. Thompson
Rep. Robert S. Duchesne
Rep. Jane E. Eberle
Rep. Robert A. Daigle
Rep. Henry L. Joy
Rep. James D. Annis
Rep. Kimberley C. Rosen*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

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

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Natural Resources

and to prepare a report regarding the feasibility and advisability of conducting a pilot program using state-certified inspectors to conduct gasoline station compliance inspections.

Committee Amendment "B" (H-244), the minority report, proposed to remove from the bill the annual fee for general permit coverage for industrial storm water discharges and to provide that the Department of Environmental Protection may not assess a fee for general permit coverage for industrial storm water discharges. It also proposed that consideration of any appropriation or allocation for implementation of a program for industrial storm water discharges must be included in consideration of the budget for the Department of Environmental Protection, Bureau of Land and Water Quality. The amendment also proposed to delete language in the bill authorizing disbursements from the Ground Water Oil Clean-up Fund to pay costs incurred by the Department of Environmental Protection to monitor and regulate air emissions from the distribution and use of oil. The amendment also proposed to direct the Department of Environmental Protection to prepare and implement a plan to train program personnel to conduct cross-media compliance inspections of gasoline stations and to prepare a report regarding the feasibility and advisability of conducting a pilot program using state-certified inspectors to conduct gasoline station compliance inspections. This amendment was not adopted.

Enacted law summary

Public Law 2005, chapter 157 authorizes the Department of Environmental Protection to assess a one-time fee of up to \$350 for general permit coverage for industrial storm water discharges until September 30, 2006. It also directs the Department of Environmental Protection to prepare a report on the fees assessed in connection with the general permit for industrial storm water discharges. The report must be submitted to the Joint Standing Committee on Natural Resources by January 30, 2006, and the committee is authorized to report out legislation dealing with the fee report to the Second Regular Session of the 122nd Legislature. Chapter 157 also directs the Department of Environmental Protection to prepare and implement a plan to train program personnel to conduct cross-media compliance inspections of gasoline stations and to prepare a report regarding the feasibility and advisability of conducting a pilot program using state-certified inspectors to conduct gasoline station compliance inspections. Finally, it increases the cap on disbursements for personal services from the Ground Water Oil Clean-up Fund.

LD 315 **An Act To Prohibit the Privatization of Drinking Water Supply Sources** **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 315 proposed to declare the drinking water supplies in this State to be public resources that may not be privately owned.

LD 342 **An Act To Encourage Reuse of Glass Bottles** **ONTP**

<u>Sponsor(s)</u> PERRY J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Joint Standing Committee on Natural Resources

LD 342, a concept draft pursuant to Joint Rule 208, proposed to require that companies that sell beer and soda in glass bottles wash and reuse the glass bottles.

LD 381 **An Act To Enhance the Safe Disposal of Household Hazardous Waste** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURLEY DAMON	ONTP	

LD 381 proposed to require municipal officials in each county to work together to designate an existing transfer station or recycling center in each county to accept household hazardous waste for disposal by residents of that county on a year-round basis. The bill would allow municipal officials to impose fees for the disposal of such household hazardous waste.

LD 387 **An Act To Waive Application Fees on Certain Department of Environmental Protection and Department of Transportation Projects** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER DOW	ONTP MAJ OTP-AM MIN	

LD 387 proposed to require the Commissioner of Environmental Protection and the Commissioner of Transportation to waive the application or processing fee for projects with anticipated costs that are less than \$2,000,000.

Committee Amendment "A" (H-154), the minority report, proposed to incorporate a fiscal note. This amendment was not adopted.

LD 403 **An Act To Repeal the Minimum Penalty for Environmental Violations** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO JOY	ONTP	

LD 403 proposed to remove the minimum penalty of \$100 per day. Under current law, a person who violates a law administered by the Department of Environmental Protection is subject to a civil penalty of not less than \$100 for each day of that violation.