

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

LD 582 proposed to provide that a state agency must comply with zoning, subdivision and site plan review ordinances that the State Planning Office has determined are consistent with a comprehensive plan that the State Planning Office has found consistent with the provisions of the law governing growth management.

LD 597

An Act To Amend the Solid Waste Landfill Laws

PUBLIC 341

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY COWGER	OTP-AM	H-567

LD 597 proposed to require a public hearing for an increase in height of a landfill accepting special waste. It would specify that the applicant shall pay the Department of Environmental Protection's costs in processing the application. It also proposed to amend the law governing the joint citizen advisory committee for the West Old Town Landfill to include 2 representatives of the Penobscot Nation.

Committee Amendment "A" (H-567) proposed to require the Department of Environmental Protection to hold a hearing on or request the Board of Environmental Protection to assume jurisdiction of applications for a vertical increase in the approved final elevation of a commercial or state-owned solid waste disposal facility that accepts special waste upon request from 5 or more residents or abutting property owners in the municipality in which the proposed facility is located. It proposed to provide that testimony at such a hearing is limited to issues related to relevant standards of review under the solid waste laws. It proposed to clarify that expenses and costs incurred by the department in connection with the hearing must be paid for by the person applying for the license. It also proposed that the Penobscot Nation shall appoint one member of the joint citizen advisory committee for the West Old Town Landfill.

Enacted law summary

Public Law 2005, chapter 341 requires the Department of Environmental Protection to hold a hearing on or request the Board of Environmental Protection to assume jurisdiction of applications for a vertical increase in the approved final elevation of a commercial or state-owned solid waste disposal facility that accepts special waste upon request for a hearing from 5 or more residents or abutting property owners in the municipality in which the proposed facility is located. It provides that testimony at such a hearing is limited to issues related to relevant standards of review under the solid waste laws. It clarifies that expenses incurred by the department in connection with the hearing must be paid for by the person applying for the license. It also amends the law governing the joint citizen advisory committee for the West Old Town Landfill to include 1 representative of the Penobscot Nation.

LD 599

Resolve, Directing a Review of the Effects of Antifreeze, Engine Coolant and Aversive Agents on the Environment and Small Animals

RESOLVE 14

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	OTP-AM MAJ OTP-AM MIN	H-162

Joint Standing Committee on Natural Resources

LD 599 proposed to require that engine coolant or antifreeze that contains more than 10% ethylene glycol or propylene glycol must include an aversive agent that makes it taste bitter so that it is rendered unpalatable, to reduce the risk of poisoning of household pets and other small animals.

Committee Amendment "A" (H-162), the majority report, proposed to direct the Department of Environmental Protection in cooperation with the Department of Health and Human Services, Bureau of Health and the Department of Agriculture, Food and Rural Resources to review the effects of antifreeze, engine coolant and aversive agents, including denatonium benzoate, on the environment and small animals. The proposed amendment would direct the Department of Environmental Protection to submit its findings to the Joint Standing Committee on Natural Resources by January 30, 2006 and would authorize the committee to report out legislation to the Second Regular Session of the 122nd Legislature.

Committee Amendment "B" (H-163), the minority report, proposed to delete the requirement in the bill that engine coolant or antifreeze that contains more than 10% propylene glycol must include an aversive agent. It proposed to add a limitation of liability for damage to the environment or natural resources or economic loss that results from the inclusion of an aversive agent. It also proposed to make the Act effective when at least 3 New England states, excluding Maine, have adopted similar laws. This amendment was not adopted.

Enacted law summary

Resolve 2005, chapter 14 directs the Department of Environmental Protection in cooperation with the Department of Health and Human Services, Bureau of Health and the Department of Agriculture, Food and Rural Resources to review the effects of antifreeze, engine coolant and aversive agents, including denatonium benzoate, on the environment and small animals. It also directs the Department of Environmental Protection to submit its findings to the Joint Standing Committee on Natural Resources by January 30, 2006 and authorizes the committee to report out legislation to the Second Regular Session of the 122nd Legislature.

LD 605 **An Act To Revise the Site Location of Development Laws** **ONTP**

<u>Sponsor(s)</u> KOFFMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 605 proposed to exempt campgrounds that exceed 30 acres in total acreage from the 3-acre maximum impervious surface area restriction in the site location of development laws. The bill would allow campgrounds that exceed 30 acres in total acreage to have impervious surfaces that do not exceed 10% of the total campground acreage.

LD 608 **An Act To Assist Municipal Implementation and Enforcement of Storm Water Management Programs** **PUBLIC 240**

<u>Sponsor(s)</u> KOFFMAN COWGER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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