

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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:

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 (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
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 that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Natural Resources

program for dentists and requires dentists to file an annual report with the department describing the quantities of mercury amalgam purchased, used and recycled from dry sources and wet sources;

4. Requires the Department of Environmental Protection to establish rules for dental offices to limit mercury releases;
5. Establishes a penalty in the amount of not less than \$10,000 nor more than \$100,000 for a violation; and
6. Requires the Department of Environmental Protection to conduct a septic system study concerning the impact of dental mercury releases in rural areas.

LD 692 An Act To Eradicate Invasive Aquatic Plants and Nuisance Species ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA COURTNEY	ONTP	

This bill makes a one-time General Fund appropriation of \$2,000,000 in fiscal year 2007-08 to provide competitive grants to support public and private nonprofit efforts to eradicate invasive aquatic plants from the State's freshwater lakes, rivers and streams. The bill also requires that the Department of Environmental Protection administer the grants in accordance with guidelines developed by the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species. Grants may be awarded only to state and local government entities and 501(c)(3) organizations established and operating in the State.

LD 733 An Act Concerning Deductibles for Underground Oil Storage Facilities and Tanks ACCEPTED ONTP REPORT

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

This bill exempts from the conditional deductible requirement all nonconforming underground facilities and tanks that were removed prior to the enactment of the conditional deductible requirement.

Committee Amendment "A" (H-96)

This amendment, which was not adopted, is the minority report. The amendment incorporates a fiscal note.

LD 774 An Act To Coordinate the Implementation of the In-stream Flow and Water Level Rules among the Department of Environmental Protection, the Drinking Water Program of the Department of Health and Human Services and the Public Utilities Commission PUBLIC 235 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN BARTLETT	OTP-AM	H-252

This bill provides that any requirements placed on community water systems must be done in joint agreement between the Department of Environmental Protection, the drinking water program of the Department of Health

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and Human Services and the Public Utilities Commission.

Committee Amendment "A" (H-252)

This amendment replaces the bill. The amendment clarifies that the water use rules adopted by the Board of Environmental Protection are water use requirements adopted in accordance with the authority reserved to states under the federal Clean Water Act. It directs the board to incorporate into the rules a mechanism to reconcile the objective of protecting aquatic life and other uses with the objective of allowing community public water systems to use their existing water supplies to provide water service. It requires that a community water system withdrawal certificate must be reviewed and approved by the drinking water program of the Department of Health and Human Services, with technical assistance from the Public Advocate, before being issued by the Department of Environmental Protection. It also adds an emergency preamble and clause.

Enacted Law Summary

Public Law 2007, chapter 235 clarifies that the water use rules adopted by the Board of Environmental Protection are water use requirements adopted in accordance with the authority reserved to states under the federal Clean Water Act. It directs the board to incorporate into the rules a mechanism to reconcile the objective of protecting aquatic life and other uses with the objective of allowing community public water systems to use their existing water supplies to provide water service. It requires that a community water system withdrawal certificate must be reviewed and approved by the drinking water program of the Department of Health and Human Services, with technical assistance from the Public Advocate, before being issued by the Department of Environmental Protection.

Public Law 2007, chapter 235 was enacted as an emergency measure effective June 6, 2007.

LD 810 An Act To Improve Solid Waste Management

CARRIED OVER

Sponsor(s)
DUCHESNE

Committee Report

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the laws governing the duties and responsibilities for managing solid waste. Under current law, responsibility for managing solid waste is shared by the Department of Environmental Protection and the State Planning Office. This bill would revise those duties and responsibilities in order to eliminate redundancy, as well as to eliminate any inadvertent gaps in oversight.

LD 810 was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 848 An Act To Encourage Greater Public Input into the State Environmental Licensing Process

PUBLIC 43

Sponsor(s)
ANNIS
BARTLETT

Committee Report
OTP

Amendments Adopted

This bill provides the authority to the Department of Environmental Protection to hold a public forum at which comments will be accepted and included as part of the official record in a pending proceeding. The purpose of this bill is to fill a gap between the receipt of written comments and the holding of an adjudicatory proceeding by allowing an additional means by which the public can provide comments.