

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

May 2008

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<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; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</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>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Natural Resources

This amendment requires a threat of release to be imminent in order for the Commissioner of Environmental Protection to issue an administrative order to cease operation of an underground oil storage tank. It also removes the authority of the Department of Environmental Protection to allow a tank owner or operator to affix a red tag to a tank and instead requires department staff to affix the tag.

House Amendment "A" (H-749)

This amendment removes language that would require the Commissioner of Environmental Protection to find that the threat of an oil release is imminent before the commissioner can issue an administrative order prohibiting the operation of an oil storage tank that is out of compliance with the operation and maintenance requirements of Maine law. The amendment authorizes the owner or operator of an oil storage tank that is subject to an administrative order prohibiting operation of the tank to dispense any remaining oil in the tank if the commissioner finds that doing so does not pose a threat of release of product or would reduce that threat.

Enacted Law Summary

Public Law 2007, chapter 534 does the following:

1. It requires owners and operators of underground oil storage tanks to have the tanks inspected at least once every 3 years by a certified underground oil storage tank inspector or installer who is not the tank owner or operator, an employee of the tank owner or operator or a person having daily on-site responsibility for the tank. This provision does not change the requirement for the tanks to be inspected annually;
2. It requires annual inspection reports to be submitted to the Department of Environmental Protection within 30 days of the inspection date;
3. It gives the Department of Environmental Protection authority to prohibit the delivery of oil to underground oil storage tanks that are not inspected, operated and maintained in compliance with the law. It authorizes the owner or operator of an oil storage tank that is subject to an administrative order prohibiting operation of the tank to dispense any remaining oil in the tank if the commissioner finds that doing so does not pose a threat of release of product or would reduce that threat; and
4. It directs the Department of Environmental Protection to develop a training program for owners and operators of federally regulated underground oil storage tanks.

LD 2073 An Act To Prevent Contamination of Drinking Water Supplies

PUBLIC 569

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE	OTP-AM	H-821

The bill restricts certain types of development near drinking water wells to prevent contamination by oil and hazardous matter. The bill gives municipal code enforcement officers the authority to enforce the restrictions.

Committee Amendment "A" (H-821)

This amendment strikes the provisions in the bill that call for the new wellhead protection requirements to be administered and enforced primarily at the local level. It amends the definition of "aboveground oil storage tank," adds a definition of the term "aboveground heating oil supply tank" and clarifies the definition of "double-walled tank." It amends the provisions regarding installation requirements for aboveground heating oil supply tanks. It strikes the provision in the bill that requires the registration of aboveground oil storage facilities in wellhead protection zones and over sand and gravel aquifers. It eliminates language authorizing the Commissioner of Environmental Protection to enjoin the operation of a facility installed in violation of the new siting restrictions and replaces it with more comprehensive enforcement language. It requires the Department of Defense, Veterans and

Joint Standing Committee on Natural Resources

Emergency Management, Maine Emergency Management Agency, in coordination with the Department of Public Safety, Office of the State Fire Marshal and the Department of Environmental Protection, to review and make recommendations on improving the current framework for registering aboveground oil storage facilities.

Enacted Law Summary

Public Law 2007, chapter 569 restricts certain types of development near drinking water wells to prevent contamination by oil and hazardous matter. It directs the Board of Environmental Protection to adopt major substantive rules that restrict the siting of certain facilities within significant sand and gravel aquifers mapped by the Department of Conservation, Bureau of Geology and Natural Areas, Maine Geological Survey. It requires the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, in coordination with the Department of Public Safety, Office of the State Fire Marshal and the Department of Environmental Protection, to review and make recommendations on improving the current framework for registering aboveground oil storage facilities.

LD 2119 An Act To Amend Certain Laws Related to Environmental Protection

PUBLIC 655

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	H-987 KOFFMAN S-482

The bill:

1. Increases the per diem for members of the Maine Land Use Regulation Commission and the Board of Environmental Protection to \$100 per day when in attendance at meetings and hearings;
2. Amends the law that provides for special fees by eliminating the cap and including the costs of any appeals;
3. Repeals a requirement that the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife jointly report by January 1, 1998 and on or before January 1st of every odd-numbered year thereafter to the joint standing committees of the Legislature having jurisdiction over natural resource matters and inland fisheries and wildlife matters on the progress of the mapping of significant wildlife habitats;
4. Amends the oil storage laws to clarify that the term "responsible party" as used in those laws includes the owner or operator of an oil storage tank and any person who causes a discharge from the tank;
5. Amends the law requiring payment of registration fees on oil storage tanks to reduce the frequency of payment;
6. Clarifies the circumstances under which abandoned underground oil storage tanks may be returned to service;
7. Amends the law governing closure of municipal landfills to make it clear that municipalities must inspect, monitor and maintain their closed landfills as necessary to ensure that the landfill caps and other closure measures remain effective;
8. Amends the law requiring the Department of Environmental Protection to pay 90% of municipal landfill remediation costs to incorporate a cross-reference to other provisions of law that reduce the department share to 50% and zero in certain circumstances;
9. Eliminates the requirement that the Department of Environmental Protection report to the Legislature regarding the progress, adequacy of funding and any legislation needed to achieve reduction of tire stockpiles and beneficial reuse of tires;