

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.

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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;

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10. Changes the interest rate on reimbursements to the Maine Hazardous Waste Fund to 15% to be consistent with other interest provisions administered by the Department of Environmental Protection;
11. Amends the laws governing tire stockpile abatement and uncontrolled hazardous substance sites to make the language regarding recovery of natural resources damages consistent with corresponding language under the oil spill cleanup laws;
12. Amends the law banning the sale of mattresses, mattress pads and residential upholstered furniture that contain the flame retardant decabromodiphenyl ether to make it clear that these products may not be sold in Maine after January 1, 2008 regardless of how the chemical is applied to or incorporated into the product; and
13. Repeals the requirement to report annually on the removal, collection and recycling of mercury switches in motor vehicles and directs the Department of Environmental Protection to recommend repeal of the switch removal and recycling requirements when the commissioner determines that the number of mercury switches available for collection is too small to warrant continuation of the program.

Committee Amendment "A" (S-482)

This amendment makes the following changes to the bill.

1. It removes from the bill proposed increases in the per diem for members of the Board of Environmental Protection and the Maine Land Use Regulation Commission.
2. It amends the special fee provisions and requires the Department of Environmental Protection to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters.
3. It modifies the requirements for bringing abandoned underground oil storage tanks into service.
4. It allows the Commissioner of Environmental Protection discretion to not collect finance charges if the amounts are small or unlikely to be collected.
5. It clarifies that a determination that a solid waste disposal facility provides a substantial public benefit does not necessarily have to be made before the commissioner may find that acceptance of out-of-state waste at the facility provides a substantial public benefit.
6. It changes language regarding rule-making authority of the Department of Environmental Protection relating to flame retardants to be consistent with other changes in the bill.

House Amendment "A" (H-987)

This amendment removes the provisions of Committee Amendment "A" that increased the maximum special fee to \$250,000 until September 1, 2009.

Enacted Law Summary

Public Law 2007, chapter 655:

1. Amends the law that provides for special fees and requires the Department of Environmental Protection to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters;
2. Allows the Commissioner of Environmental Protection discretion to not collect finance charges if the amounts are small or unlikely to be collected;
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

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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;
10. Changes the interest rate on reimbursements to the Maine Hazardous Waste Fund to 15% to be consistent with other interest provisions administered by the Department of Environmental Protection;
11. Amends the laws governing tire stockpile abatement and uncontrolled hazardous substance sites to make the language regarding recovery of natural resources damages consistent with corresponding language under the oil spill cleanup laws;
12. Amends the law banning the sale of mattresses, mattress pads and residential upholstered furniture that contain the flame retardant decabromodiphenyl ether to make it clear that these products may not be sold in Maine after January 1, 2008 regardless of how the chemical is applied to or incorporated into the product;
13. Repeals the requirement to report annually on the removal, collection and recycling of mercury switches in motor vehicles and directs the Department of Environmental Protection to recommend repeal of the switch removal and recycling requirements when the commissioner determines that the number of mercury switches available for collection is too small to warrant continuation of the program; and
14. It clarifies that a determination that a solid waste disposal facility provides a substantial public benefit does not necessarily have to be made before the commissioner may find that acceptance of out-of-state waste at the facility provides a substantial public benefit.

LD 2126 An Act To Minimize Carbon Dioxide Emissions from New Coal-powered Industrial and Electrical Generating Facilities in the State

PUBLIC 584

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD	OTP-AM	H-798

This bill is a concept draft pursuant to Joint Rule 208. The bill seeks to meet Maine's climate goals and to promote development of new clean energy and carbon reduction technologies by requiring that new industrial and electrical