

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> 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 123<sup>rd</sup> Maine  
Legislature coming from the

**JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

May 2008

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**STATE OF MAINE**  
123<sup>RD</sup> 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 123<sup>rd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.<sup>1</sup> 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 123<sup>rd</sup> Legislature.

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<sup>1</sup> 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

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

## Joint Standing Committee on Natural Resources

generating facilities that use coal as a feedstock attain the lowest achievable emissions rate, as defined in the Maine Revised Statutes, Title 38, section 582, subsection 7-E-2, for emissions of greenhouse gases into the atmosphere. The provisions of the bill would apply to new enterprises that generate electricity or other products for commerce; require an air emissions license pursuant to Title 38, section 590 or 591-A; use coal as an energy feedstock; and emit 5,000 or more tons of carbon dioxide per year. The Department of Environmental Protection shall enforce the provisions of this bill through new source review under the federal Clean Air Act, 42 United States Code, Sections 7401 to 7671q (2007). In calculating emissions under this bill, the department shall consider the net emissions from the full life cycle of all fuel feedstocks, except that carbon dioxide that is captured at the facility and that is permanently disposed of in geological formations in compliance with applicable laws and rules may not be counted as emissions from the facility. At a minimum, the department's determination of the lowest achievable emissions rate must require a rate of emissions of greenhouse gases that is no higher than the rate of emissions of greenhouse gases for a facility that uses natural gas as its energy feedstock.

### Committee Amendment "A" (H-798)

This amendment requires the Board of Environmental Protection to establish greenhouse gas emission standards for coal gasification facilities that generate electricity or liquid fuels. Rules to establish the standards are major substantive rules and must be submitted to the Legislature for review by January 5, 2011. Until the effective date of the major substantive rules authorized by the Legislature or until August 1, 2011, whichever is earlier, a moratorium is placed on the authorization of coal gasification facilities. The amendment provides for the discounting of carbon dioxide emissions that are captured and permanently isolated from the atmosphere in compliance with all applicable laws and rules in the calculation of greenhouse gas emissions.

### Enacted Law Summary

Public Law 2007, chapter 584 requires the Board of Environmental Protection to establish greenhouse gas emission standards for coal gasification facilities that generate electricity or liquid fuels. Rules to establish the standards are major substantive rules and must be submitted to the Legislature for review by January 5, 2011. Until the effective date of the major substantive rules authorized by the Legislature or until August 1, 2011, whichever is earlier, a moratorium is placed on the authorization of coal gasification facilities. Chapter 584 provides for the discounting of carbon dioxide emissions that are captured and permanently isolated from the atmosphere in compliance with all applicable laws and rules in the calculation of greenhouse gas emissions.

### LD 2160 An Act To Protect Shellfish Waters and Shellfish Resources from Coastal Pollution

PUBLIC 568

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP-AM	H-822

This bill requires a person transferring property containing a subsurface waste water disposal system in a coastal shoreland area to provide the transferee with certification that the system has been inspected within the last 3 years or that it is impossible to perform an inspection prior to the transfer. If the system has been inspected and found to be malfunctioning, the system must be repaired prior to the transfer or the repair must be a condition of sale. If it is impossible to inspect the system prior to the transfer, the system must be inspected and, if malfunctioning, repaired within 1 year after the transfer. The certification must be filed with the municipality and the local plumbing inspector. The bill retains the current notification requirements for property transferred in freshwater shoreland areas.

The bill also creates a process for coordinating resolution of water quality problems related to subsurface waste water disposal systems in shellfish harvesting areas, including notification, inspection and abatement order requirements. It also requires the Department of Health and Human Services in coordination with the Department of Marine Resources and the Department of Environmental Protection to adopt routine technical rules establishing requirements for the certification of individuals to inspect subsurface waste water disposal systems. It also requires