

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2013**

**CHAPTER 43**  
**H.P. 116 - L.D. 141**

**Resolve, Directing the  
Department of Environmental  
Protection To Develop  
Quantitative Odor  
Management Standards**

**Sec. 1. Septage and wastewater treatment sludge processing; odor management rules. Resolved:** That, by March 15, 2014, the Department of Environmental Protection shall adopt rules concerning facilities that process wastewater treatment sludge from publicly owned treatment works and facilities that process septage that incorporate quantitative odor management standards. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. By March 30, 2014, the department shall submit a summary of the rules to the Joint Standing Committee on Environment and Natural Resources.

See title page for effective date.

**CHAPTER 44**  
**H.P. 625 - L.D. 902**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
882: Designation of Bisphenol  
A as a Priority Chemical and  
Regulation of Bisphenol A in  
Children's Products, a Major  
Substantive Rule of the  
Department of Environmental  
Protection**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following

legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 4, 2013.

**CHAPTER 45**  
**H.P. 106 - L.D. 131**

**Resolve, Directing the Public  
Utilities Commission To  
Examine Measures To Mitigate  
the Effects of Geomagnetic  
Disturbances and  
Electromagnetic Pulse on the  
State's Transmission System**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the North American Electric Reliability Corporation has identified 2013 as a peak year of solar activity that could result in a geomagnetic disturbance; and

**Whereas,** the impact of a significant geomagnetic disturbance or electromagnetic pulse on the reliability of Maine's electric grid is unknown; and

**Whereas,** the Public Utilities Commission may be able to identify measures to protect Maine's electric grid through a focused examination; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Examination of vulnerabilities and mitigation. Resolved:** That the Public Utilities Commission shall examine the vulnerabilities of the State's transmission infrastructure to the potential negative impacts of a geomagnetic disturbance or elec-

tromagnetic pulse capable of disabling, disrupting or destroying a transmission and distribution system and identify potential mitigation measures. In its examination, the commission shall:

1. Identify the most vulnerable components of the State's transmission system;
2. Identify potential mitigation measures to decrease the negative impacts of a geomagnetic disturbance or electromagnetic pulse;
3. Estimate the costs of potential mitigation measures and develop options for low-cost, mid-cost and high-cost measures;
4. Examine the positive and negative effects of adopting a policy to incorporate mitigation measures into the future construction of transmission lines and the positive and negative effects of retrofitting existing transmission lines;
5. Examine any potential effects of the State adopting a policy under subsection 4 on the regional transmission system;
6. Develop a time frame for the adoption of mitigation measures; and
7. Develop recommendations regarding the allocation of costs to mitigate the effects of geomagnetic disturbances or electromagnetic pulse on the State's transmission system and identify which costs, if any, should be the responsibility of shareholders or ratepayers; and be it further

**Sec. 2. Monitor federal efforts regarding mitigation measures. Resolved:** That the Public Utilities Commission shall actively monitor the efforts by the Federal Energy Regulatory Commission, the North American Electric Reliability Corporation, ISO New England and other regional and federal organizations to develop reliability standards related to geomagnetic disturbances and electromagnetic pulse; and be it further

**Sec. 3. Report. Resolved:** That the Public Utilities Commission shall report the results of its examination required pursuant to section 1 and the progress of regional and national efforts to develop reliability standards under section 2 to the Joint Standing Committee on Energy, Utilities and Technology by January 20, 2014. The Joint Standing Committee on Energy, Utilities and Technology may submit a bill to the Second Regular Session of the 126th Legislature based on the report.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 10, 2013.

## CHAPTER 46 H.P. 971 - L.D. 1363

### Resolve, To Ensure Landfill Capacity and Promote Recycling

**Sec. 1. Moratorium on licenses to expand solid waste disposal facilities. Resolved:** That the Department of Environmental Protection may not issue a license to expand a solid waste disposal facility that is a landfill until after April 30, 2014. This section applies to any application to expand a solid waste disposal facility that is a landfill filed after the effective date of this section. As used in this section, "expand" has the same meaning as in the Solid Waste Management Rules, Chapter 400, section 1, paragraph WW, adopted by the Department of Environmental Protection and in effect on the effective date of this section. This section does not apply to generator-owned landfills.

See title page for effective date.

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## CHAPTER 47 S.P. 173 - L.D. 441

### Resolve, Directing the Public Utilities Commission To Develop a Plan To Reform Regulation of Consumer-owned Water Utilities

**Sec. 1. Regulatory reform plan. Resolved:** That the Public Utilities Commission, referred to in this resolve as "the commission," shall develop a plan to reform regulation of consumer-owned water utilities in the State in accordance with the following.

1. The plan must be consistent with the following:
  - A. Regulatory burdens must be the minimum necessary to protect the public welfare;
  - B. Regulatory reform may not relieve any provider from complying with environmental obligations under either state or federal law, including but not limited to those relating to the safety of drinking water;
  - C. Regulatory reform may make distinctions between consumer-owned water utilities based on the utilities' available resources and expertise, as well as on the form of local governance;
  - D. Regulatory reform must ensure the continued adequacy of consumer protection regulation, including the maintenance of appropriate limitations