

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**FIRST REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
NATURAL RESOURCES**

**JULY 1999**

***MEMBERS:***

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*Sen. John M. Nutting*

*Sen. James D. Libby*

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**ONE HUNDRED NINETEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing and Select Committees**  
**August 1999**

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

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:

*CARRIED OVER*.....Bill carried over to Second Regular Session  
*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  
*ENACTMENT FAILED*..... Bill failed to get vote required for enactment or final passage  
*NOT PROPERLY BEFORE THE BODY*..... Ruled out of order by the presiding officers; bill died  
*INDEF PP*.....Bill Indefinitely Postponed  
*ONTP*..... Ought Not To Pass report accepted  
*OTP ND*..... Committee report Ought To Pass In New Draft  
*OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title  
*P&S XXX*..... Chapter # of enacted Private & Special Law  
*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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

hearings or proceedings before the Board of Environmental Protection or contain any requirement to abide by conditions that were not agreed upon. The bill also proposed to amend the definitions of pollutant and river, stream or brook.

**LD 1859**                      **An Act to Require Enhanced Emissions Testing for the Entire State**                      **ONTP**

<u>Sponsor(s)</u> FOSTER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1859 proposed to apply the provisions of the enhanced inspection, currently only required for motor vehicles registered in Cumberland County, to all motor vehicles registered in the State beginning January 1, 2001.

**LD 1924**                      **An Act to Reduce Mercury in Products**                      **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1924 proposed to do the following:

1. It proposed to require manufacturers of mercury-added products to disclose the fact that a product offered for sale in this State contains mercury and to label the product accordingly;
2. It proposed to require persons who sell mercury-added lamps for use in large applications such as industrial facilities to clearly inform the purchaser in writing that the lamps contain mercury, a hazardous substance regulated by state and federal law, and that the lamps may not be placed in solid waste. It also proposed to require contractors who remove large quantities of mercury-added lamps to disclose, in writing, the arrangements made for management of the mercury in the removed lamps;
3. It proposed to impose restrictions on the sale and distribution of elemental mercury;
4. It proposed to ban the sale in the State of toys, games or clothing that contain mercury; and
5. It proposed to require the Land and Water Resources Council to submit a report on manufacturer responsibility for collection of mercury-added products from users with recommendations to implement a system for ensuring that disposal of mercury-added products does not contribute to mercury emissions to the environment.

**LD 2038**                      **An Act to Amend the Water Quality Laws to Establish a New Standard for Mercury Discharges**                      **PUBLIC 500  
EMERGENCY**

<u>Sponsor(s)</u> KONTOS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-316
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LD 2038 proposed to make the following changes to the laws governing the discharge of mercury to the waters of the State:

1. It proposed to retain the mass-based effluent limits for any legal entity that on January 1, 1971 was discharging mercury in connection with any industrial process and on or before December 31, 1971 filed with the Board of Environmental Protection a statement indicating the amount so discharged;
2. It proposed to amend existing law governing the discharge of mercury and to regulate the discharge of mercury in accordance with the levels set forth in federal water quality criteria as established by the United States Environmental Protection Agency pursuant to the Clean Water Act; and
3. It proposed to preserve the Board of Environmental Protection's authority to regulate any toxic substance, including mercury, in any amount or concentration, including the complete prohibition of such substance based on sound risk assessment through its rulemaking powers.

**Committee Amendment "A" (S-316)** proposed to suspend the law that prohibits the discharge of mercury into the waters of the State in any concentration that increases the natural concentration of mercury in the receiving waters until October 1, 2001 and to prohibit anyone from discharging mercury in a concentration greater than the concentration discharged as of the effective date of this Act between the effective date and October 1, 2001. It proposed to retain the discharge limits for any entity that on January 1, 1971 was discharging mercury in connection with an industrial process and filed with the Board of Environmental Protection on or before December 31, 1971 a statement indicating the amount of mercury discharged on that date.

The amendment proposed to require the department to adopt rules that specify procedures to be used in establishing interim discharge limits for facilities. The discharge limits could not be less stringent than the facility's discharge levels as of the effective date of the legislation. The amendment proposed to require the department to work with a stakeholder group to develop model pollution prevention plans for mercury dischargers by December 31, 1999. It also proposed to require the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the status of mercury discharges and the status of pollution prevention plan implementation by January 14, 2000 and January 15, 2001.

The amendment proposed to require the department to develop proposed statewide criteria for mercury and to submit its recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2001, together with any implementing legislation.

The amendment also proposed to add an emergency preamble and an emergency clause, an appropriation section and a fiscal note to the bill.

***Enacted law summary***

Public Law 1999, chapter 500 suspends the law that prohibits the discharge of mercury into the waters of the State in any concentration that increases the natural concentration of mercury in the receiving waters until October 1, 2001 and prohibits anyone from discharging mercury in a concentration greater than the concentration discharged as of the effective date of the law between the effective date and October 1, 2001. It retains the discharge limits for any entity that on January 1, 1971 was discharging mercury in connection with an industrial process and filed with the Board of Environmental Protection on or before December 31, 1971 a statement indicating the amount of mercury discharged on that date.

The law requires the department to adopt rules that specify procedures to be used in establishing interim discharge limits for facilities. The discharge limits may not be less stringent than the facility's discharge levels as of the effective date of the law. It requires the department to work with a stakeholder group to develop model pollution prevention plans for mercury dischargers by December 31, 1999. It also requires the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the status of mercury discharges and the status of pollution prevention plan implementation by January 14, 2000 and January 15, 2001.

The law requires the department to develop proposed statewide criteria for mercury and submit its recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2001, together with any implementing legislation.

Chapter 500 was enacted as an emergency measure effective June 11, 1999.

**LD 2063**

**An Act to Maintain Protection of Sand Dunes Under Existing Law**

**PUBLIC 298**

<u>Sponsor(s)</u> COLLINS MACKINNON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-424
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LD 2063 proposed to require any building located within the so-called V-Zone, as designated by the National Flood Insurance Program after January 1, 1999, to have the same restrictions and permit requirements under the natural resources protection laws that existed prior to expansion of the V-Zones.

**Committee Amendment "A" (H-424)** proposed to prohibit the Department of Environmental Protection from denying a permit under the natural resources protection laws for reconstruction of a structure, including a structure destroyed by an ocean storm, solely because the structure is located in an area designated a V-Zone after January 1, 1999. The amendment would not change the department's standards for reconstruction activities in a V-Zone that was designated as such prior to January 1, 1999.

*Enacted law summary*

Public Law 1999, chapter 298 prohibits the Department of Environmental Protection from denying a Natural Resources Protection Act permit for reconstruction of a structure, including a structure destroyed by an ocean storm, solely because the structure is located in an area designated a V-Zone after January 1, 1999. The law does not change the department's standards for reconstruction activities in a V-Zone that was designated as such prior to January 1, 1999.

**LD 2084**

**An Act to Reduce the Release of Mercury into the Environment from Consumer Products**

**CARRIED OVER**

<u>Sponsor(s)</u> TREAT SAVAGE W		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2084 proposes to require the Land and Water Resources Council to report annually to the joint standing committee of the Legislature having jurisdiction over natural resource matters on issues related to mercury contamination.

The bill proposes to prohibit the sale of certain products that contain mercury unless they are labeled to inform consumers that mercury is present in the item and that the item may not be disposed of until the mercury is removed and reused, recycled or otherwise managed. Products that would have to be labeled are thermostats and thermometers, switches, medical or scientific instruments, electric relays and other electrical devices and lamps.

The bill proposes to prohibit the disposal of labeled mercury-added products except as part of a collection system after June 1, 2001. It also proposes to require the separation of labeled mercury-added products from other solid waste. It proposes to require municipal and regional association solid waste disposal facilities to develop programs for the collection of mercury-added products by December 1, 2000 and to implement those programs by June 1, 2001. The bill proposes to require the Department of Environmental Protection and the State Planning Office to assist municipalities and regional associations in developing collection programs and informing the public about mercury-added products.

It proposes to require manufacturers of mercury-added products to establish a system for the proper collection, transportation and management of the products and to prohibit them from charging a fee for the collection system. The bill proposes to ban the sale in the State of toys, games and apparel that contain mercury.