

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Natural Resources*

*August 2001*

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**120th Legislature**  
**First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
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 21, 2001**.

**David E. Boulter, Director**  
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## Joint Standing Committee on Natural Resources

**LD 1308**

**An Act to Implement the Recommendations of the Department of Environmental Protection on Ambient Water Quality Criteria for Mercury**

**PUBLIC 418  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-638 COWGER  
S-276

LD 1308 proposed to repeal the existing mercury discharge limit of 10 parts per billion and replace it with a prohibition on the discharge of mercury in any amount greater than that allowed by rules adopted by the Board of Environmental Protection. The bill also proposed to allow publicly owned treatment facilities to require dischargers to implement pollution prevention measures to reduce the mercury load while statewide, risk-based criteria are being developed. This bill was reported out by the Joint Standing Committee on Natural Resources pursuant to Public Law 1999, chapter 500.

**Committee Amendment "A" (S-276)** replaces the bill. The amendment requires the Department of Environmental Protection to establish and periodically revise interim discharge limits for mercury in order to reduce the discharge of mercury over time. Discharge limits established by the department may not be less stringent than an interim limit established by the department pursuant to its rules effective February 5, 2000. A facility discharging mercury must comply with the interim limit unless the department establishes a new interim limit. A facility in compliance with an interim discharge limit or remediation plan, order or license established by the department is not in violation of any of the ambient water quality criteria for mercury.

The amendment also prohibits discharges of mercury to a publicly owned treatment facility that contributes to the failure of the treatment facility to comply with interim effluent limits or applicable ambient water quality criteria for mercury. The amendment allows the owner of the publicly owned treatment facility to require a user, other than a residential user, to institute measures needed to abate the discharge of mercury to the facility and establish reasonable time schedules for completion of the measures.

The amendment also establishes specific ambient water quality criteria for mercury for aquatic life and human health and requires the Department of Environmental Protection to establish by rule wildlife protection criteria. The amendment also authorizes the department to establish a site-specific bioaccumulation factor for mercury protective of human health and wildlife and requires the department to adopt major substantive rules establishing a statewide bioaccumulation factor protective of 95% of the State's water bodies.

The amendment also requires the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 and every 5 years thereafter on the status of mercury discharges; progress in implementing pollution prevention plans; and progress toward attaining ambient water quality criteria for mercury. The report may include any necessary implementing legislation.

The amendment also adds a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-638)** removes an erroneous reference to water quality criteria.

## Joint Standing Committee on Natural Resources

### *Enacted law summary*

Public Law 2001, chapter 418 requires the Department of Environmental Protection to establish and periodically revise interim discharge limits for mercury in order to reduce the discharge of mercury over time. Discharge limits established by the department may not be less stringent than an interim limit established by the department pursuant to its rules effective February 5, 2000. A facility discharging mercury must comply with the interim limit unless the department establishes a new interim limit. A facility in compliance with an interim discharge limit or remediation plan, order or license established by the department is not in violation of any of the ambient water quality criteria for mercury.

The law also prohibits discharges of mercury to a publicly owned treatment facility that contributes to the failure of the treatment facility to comply with interim effluent limits or applicable ambient water quality criteria for mercury. The law allows the owner of the publicly owned treatment facility to require a user, other than a residential user, to institute measures needed to abate the discharge of mercury to the facility and establish reasonable time schedules for completion of the measures.

The law also establishes specific ambient water quality criteria for mercury for aquatic life and human health and requires the Department of Environmental Protection to establish by rule wildlife protection criteria. The law also authorizes the department to establish a site-specific bioaccumulation factor for mercury protective of human health and wildlife and requires the department to adopt major substantive rules establishing a statewide bioaccumulation factor protective of 95% of the State's water bodies.

The law also requires the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 and every 5 years thereafter on the status of mercury discharges; progress in implementing pollution prevention plans; and progress toward attaining ambient water quality criteria for mercury. The report may include any necessary implementing legislation.

Chapter 418 was enacted as an emergency measure effective June 15, 2001.

**LD 1331**                      **Resolve, to Establish a Model Building Rehabilitation Code for the State**                      **RESOLVE 29**

<u>Sponsor(s)</u> KOFFMAN TREAT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-299
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LD 1331 proposed to create the Maine Building Rehabilitation Code. The bill also proposed to establish the Maine Building Rehabilitation Code Advisory Council.

**Committee Amendment "A" (H-299)** replaced the original bill. The amendment proposed to direct the State Planning Office, with assistance from the Maine Building Rehabilitation Code Advisory Council, to develop a model building rehabilitation code for Maine, develop options for providing fiscal incentives for municipalities to adopt the model code and, to the extent funding is available, provide technical assistance and training in connection with the model code. The amendment also created the Maine Building Rehabilitation Code Advisory Council for the limited purpose of assisting the State Planning Office in developing the model code. Finally, the amendment