

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).

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 1775

Resolve, to Create a Study Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling

**DIED ON
ADJOURNMENT**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
S-193

LD 1775 proposed to create the Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling to undertake an analysis of plastics generation by type and current method of disposal; study the feasibility of expanding the State's bottle deposit laws to include containers made of high density polyethylene, polyethylene-terephthalate or polyvinyl chloride; study the feasibility of banning the incineration of polyvinyl chloride and other plastics; recommend market-based recycling opportunities for plastics; and recommend incentives for expanded in-state end uses for plastics.

The bill proposed that the commission submit its report, together with any recommended implementing legislation, to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than December 1, 2002.

Committee Amendment "A" (S-193) changed the membership of the Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling by replacing a member from the Maine Chamber of Commerce with a representative of the plastics industry and adding a representative of the Maine Resource Recovery Association and a representative of the Maine Municipal Association. The amendment also deleted the task of studying the feasibility of banning the incineration of polyvinyl chloride and other plastics and replaced it with the task of studying the feasibility of reducing the toxicity of waste, including the diversion of polyvinyl chloride from incineration.

LD 1812

An Act to Prevent Infestation of Invasive Aquatic Plants and to Control Other Invasive Species

**PUBLIC 434
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted
H-694 CLARK
H-696 COWGER
H-700 MCKEE

LD 1812 proposed to create a program to address threats posed to the inland waters of the State by invasive aquatic plants and nuisance species.

House Amendment "C" (H-694) proposed to require that the task force work with representatives from federal, state and local agencies and private environmental and commercial interests to form a northeastern regional panel to establish priorities and coordinate activities to prevent the spread of invasive aquatic plants and nuisance species in the Northeast.

Joint Standing Committee on Natural Resources

House Amendment "D" (H-696) proposed to change the fee for a lake and river protection sticker from \$15 for any motorboat or personal watercraft to \$20 for a motorboat or personal watercraft not registered in this State and \$10 for a motorboat or personal watercraft registered in this State.

The amendment also proposed to reduce from \$5,000 to \$250 the maximum fine for operating a motorboat or personal watercraft without a sticker and specifies that a citation for operating a motorboat or personal watercraft without a sticker may not be issued to a person who is also cited at the same time for another watercraft violation and to make adjustments to the allocation section of the bill to reflect adjustments necessitated by the decreased revenues anticipated as a result of the changes to the sticker fees.

House Amendment "E" (H-700) proposed that the report required by the bill include an evaluation of providing information and inspection activities directly by the State or indirectly through contracts with municipalities and other entities.

Enacted law summary

Public Law 2001, chapter 434, which was reported out of committee pursuant to a joint order, creates a program to address threats posed to the inland waters of the State by invasive aquatic plants and nuisance species. The program is implemented through the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife.

The law requires those departments to conduct in 2001 a program that includes a substantial public education component combined with at least 5,000 person hours spent inspecting boats, motors and trailers for invasive aquatic plants at selected boat launching facilities and at no fewer than 10 roadside locations at or near the state border. In 2002 and subsequent years, the actual level of inspections will be determined by those departments in consultation with the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species, established in the law.

In addition to the education and inspection components of the program, the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife are authorized to jointly issue emergency orders to restrict or prohibit the use of any watercraft on all or a portion of a water body that has a confirmed infestation of an invasive aquatic plant. Such orders must be for a specific period of time and may be issued only when the use of watercraft on that water body threatens to worsen or spread the infestation. If the infested water body is a public drinking water supply, public notification and opportunity for comment is required prior to taking any response action that proposes the use of a chemical control agent.

The law also prohibits the operation of a motorboat or personal watercraft on inland waters after January 1, 2002 unless that motorboat or personal watercraft displays a lake and river protection sticker. The fee for the sticker is \$10 for a motorboat or personal watercraft registered in Maine and \$20 for motorboats and personal watercraft not registered in Maine. The sticker will be available statewide through all agents authorized by the Department of Inland Fisheries and Wildlife to register boats or sell hunting and fishing licenses. The remaining revenues from the stickers are divided between new funds in the Department of Inland Fisheries and Wildlife and the Department of Environmental Protection to be used for education, inspection and enforcement efforts related to the control of invasive aquatic plants and nuisance species, either directly or through grants to public or private entities. Forty percent of the revenues from the stickers are allocated to the Department of Inland Fisheries and Wildlife and 60% of the revenues are allocated to the Department of Environmental Protection.

Joint Standing Committee on Natural Resources

The law also creates a 17-member Interagency Task Force on Invasive Aquatic Plants and Nuisance Species with the responsibility of advising the Land and Water Resources Council on various actions to control invasive aquatic plants and nuisance species and to recommend a state plan to address those threats. The Task Force is also directed to work with representatives from federal, state and local agencies and private environmental and commercial interests to form a northeastern regional panel to establish priorities and coordinate activities to prevent the spread of invasive aquatic plants and nuisance species in the Northeast.

The law transfers from the Maine Rainy Day Fund to the Department of Environmental Protection and Department of Inland Fisheries and Wildlife a sufficient amount of money to fund program costs for the 2001 boating season, but requires that those departments reimburse the Maine Rainy Day Fund in full prior to the end of the 2001-02 fiscal year. Program costs for 2002 subsequent years and are funded entirely from revenues collected from the annual sale of lake and river protection stickers.

The law also directs the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Inland Fisheries and Wildlife no later than January 15, 2002, on the invasive aquatic plant education and inspection program conducted during the 2001 boating season and on plans for that program for 2002 and subsequent years. The law authorizes the Joint Standing Committee on Natural Resources to report out legislation on invasive aquatic plants and nuisance species to the Second Regular Session of the 120th Legislature.

LD 1813

An Act to Amend the Clean Car Incentives Pilot Program

PUBLIC 367

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ	
	OTP-AM MIN	

LD 1813 is the majority report of the Joint Standing Committee on Natural Resources. It amends the Clean Car Incentives Pilot Program to allow money in the Clean Fuel Vehicle Fund to be used to pay automobile scrappers up to \$350 for each high-pollution vehicle scrapped under the program. The term "automobile scrapper" is to be defined in rules adopted by the Board of Environmental Protection and may include, but it not limited to, an automobile graveyard, an automobile recycling business or a junkyard, as those terms are defined in the Maine Revised Statutes, Title 30-A, section 3752. The bill also directs the Board of Environmental Protection to adopt emergency routine technical rules to define automobile scrappers and to establish the process for making payments to automobile scrappers.

Committee Amendment "A" (S-251) is the minority report of the Joint Standing Committee on Natural Resources. This amendment repeals the Clean Car Incentive Pilot Program enacted by the 119th Legislature as Public Laws of 1999, chapter 684.

Enacted law summary

Public Law 2001, chapter 367 amends the Clean Car Incentives Pilot Program to allow money in the Clean Fuel Vehicle Fund to be used to pay automobile scrappers up to \$350 for each high-pollution vehicle scrapped under the program. The term "automobile scrapper" is to be defined in rules adopted by the Board of Environmental Protection and may include, but it not limited to, an automobile graveyard, an automobile recycling business or a junkyard, as those terms are defined in the Maine Revised Statutes, Title 30-A, section 3752.