

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Natural Resources*

May 2002

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120th Legislature
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

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 organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) 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:

- 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
PASSED..... Joint Order passed in both bodies
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 Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

Patrick T. Norton, Interim Director
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Joint Standing Committee on Natural Resources

LD 1898

An Act to Mitigate the Effect of Large Mandatory Environmental Penalties

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY DAIGLE	ONTP	

LD 1898, a concept draft pursuant to Joint Rule 208, proposed to mitigate the effect of large mandatory environmental penalties by retroactively limiting the penalties that could be imposed, establishing a new process for the determination of penalties and imposing mandatory penalties only when there was an immediate threat to the public health, safety and welfare.

LD 1921

An Act to Prevent Mercury Emissions when Recycling and Disposing of Motor Vehicles

PUBLIC 656

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN COWGER	OTP-AM MAJ OTP-AM MIN	S-476 S-535 MARTIN

LD 1921 proposed to provide for the safe removal and recycling of certain mercury-added products that are components in motor vehicles. Under the bill, automobile manufacturers bear primary responsibility for establishing and maintaining a statewide system to collect and consolidate the components for recycling. Used motor vehicle dealers and persons engaged in recycling motor vehicles share responsibility for removing the components and storing them for recycling. The Department of Environmental Protection was proposed to be responsible for providing technical assistance and conducting public education activities to maximize the effectiveness of the collection system.

Committee Amendment "A" (S-476) is the majority report of the committee. It proposed to require automobile manufacturers to establish a statewide system to collect, consolidate and recycle the mercury switches removed from motor vehicles with the goal of collecting and recycling at least 90 pounds of mercury per year from mercury switches removed from motor vehicles. Under this amendment, persons who handle motor vehicles at the end of the vehicle's use are responsible for removing mercury switches and headlamps before the vehicles are crushed for recycling. The program allows for the voluntary removal of switches from a vehicle still in use by persons trained by the Department of Environmental Protection. Persons who bring mercury switches to a consolidation facility are entitled to receive \$1 for each switch, funded by the automobile manufacturers. The Department of Environmental Protection is responsible for providing training on universal waste rules as necessary to ensure the safe removal and proper handling of mercury switches, to design and distribute stickers required to be affixed to a motor vehicle if the switches are removed from a vehicle still in use and to provide public education materials.

The amendment proposed to allow the Board of Environmental Protection to revise universal waste rules as necessary to establish standards for handling mercury switches as universal waste and requires the Department of Environmental Protection to report to the Legislature's Mercury Products Advisory Committee on the program, beginning on January 1, 2005.

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Committee Amendment "B" (S-477) is the minority report of the committee. It proposed to replace the bill, change the title of the bill and make the bill a resolve. The amendment proposed to require the Department of Environmental Protection to submit a plan by January 15, 2003 to the joint standing committee of the Legislature having jurisdiction over natural resources matters for a program that would establish a system for the collection, transportation and recycling of at least 90 pounds per year of mercury from mercury switches removed from automobiles. The plan must include a detailed program description and a program budget. The committee is authorized to report out legislation during the First Regular Session of the 121st Legislature to implement a plan for the collection, transportation and recycling of mercury switches in automobiles.

House Amendment "A" to Committee Amendment "A" (H-1073) proposed to remove the requirement that a manufacturer of a motor vehicle pay a minimum of \$1 for each mercury switch brought to a consolidation facility and direct the Commissioner of Environmental Protection to develop a statewide program for the collection, transportation and recycling of mercury switches in automobiles. It also proposed to direct the Department of Environmental Protection to adopt rules by November 30, 2002 to implement this program and authorize the creation of consolidation centers for collection of switches and establish a funding source for the program, which is a fee of \$1 to be collected at the time of purchase of a new or used motor vehicle.

Senate Amendment "C" to Committee Amendment "A" (S-535) proposed to prohibit automobile manufacturers from establishing consolidation facilities for the collection of mercury switches at new or used car dealerships and require automobile manufacturers doing business in the State to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any fee collected on new car sales that is used to pay for the manufacturer's responsibilities under the mercury switch collection program.

This amendment also proposed to prohibit manufacturers of motor vehicles from requiring a person who removes mercury switches from segregating the switches by manufacturer.

Enacted law summary

Public Law 2001, chapter 656 requires automobile manufacturers to establish a statewide system to collect, consolidate and recycle the mercury switches removed from motor vehicles with the goal of collecting and recycling at least 90 pounds of mercury per year from mercury switches removed from motor vehicles. Under this law, persons who handle motor vehicles at the end of the vehicle's use are responsible for removing mercury switches and headlamps before the vehicles are crushed for recycling. The program allows for the voluntary removal of switches from a vehicle still in use by persons trained by the Department of Environmental Protection. Persons who bring mercury switches to a consolidation facility are entitled to receive \$1 for each switch, funded by the automobile manufacturers. The Department of Environmental Protection is responsible for providing training on universal waste rules as necessary to ensure the safe removal and proper handling of mercury switches, to design and distribute stickers required to be affixed to a motor vehicle if the switches are removed from a vehicle still in use and to provide public education materials. The law prohibits automobile manufacturers from establishing consolidation facilities for the collection of mercury switches at new or used car dealerships and requires automobile manufacturers doing business in the State to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any fee collected on new car sales that is used to pay for the manufacturer's responsibilities under the mercury switch collection program. The law also prohibits manufacturers of motor vehicles from requiring a person who removes mercury switches from segregating the switches by manufacturer.

The law also allows the Board of Environmental Protection to revise universal waste rules as necessary to establish standards for handling mercury switches as universal waste and requires the Department of Environmental

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Protection to report to the Legislature's Mercury Products Advisory Committee on the program, beginning on January 1, 2005.

LD 1936

An Act to Regulate Lead Smart Renovators and Lead Sampling Technicians

PUBLIC 576

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM MAJ ONTP MIN	H-901

LD 1936 proposed to increase the training requirements for lead smart renovators and lead sampling technicians from 6 hours and 8 hours respectively to 14 hours and to require that lead smart renovators be registered and licensed by the Department of Environmental Protection.

Committee Amendment "A" (H-901) is the majority report of the Joint Standing Committee on Natural Resources.

Current law requires persons who are engaged in any renovation, remodeling, maintenance or repair project involving lead-based paint but who are not licensed to engage in lead-based paint activities to take reasonable precautions to prevent the release of lead to the environment. This amendment proposed to specify that those reasonable precautions include the cleanup, removal and appropriate disposal of all visible lead-based paint debris generated by the project.

The amendment also proposed to add language stating that activities that may result in the release of lead to the environment include, but are not limited to, removal of lead-based paint by using open-flame burning or torching, machine sanding or grinding without high-efficiency particulate exhaust control, uncontained hydro blasting or high-pressure washing, abrasive blasting or sandblasting without containment and high-efficiency particulate exhaust control and using heat guns operated above 1,100 degrees Fahrenheit.

Enacted law summary

Public Law 2001, chapter 576, requires persons who are engaged in any renovation, remodeling, maintenance or repair project involving lead-based paint but who are not licensed to engage in lead-based paint activities to take reasonable precautions to prevent the release of lead to the environment. This law specifies that those reasonable precautions include the cleanup, removal and appropriate disposal of all visible lead-based paint debris generated by the project.

The law also states that activities that may result in the release of lead to the environment include, but are not limited to, removal of lead-based paint by using open-flame burning or torching, machine sanding or grinding without high-efficiency particulate exhaust control, uncontained hydro blasting or high-pressure washing, abrasive blasting or sandblasting without containment and high-efficiency particulate exhaust control and using heat guns operated above 1,100 degrees Fahrenheit.