

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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Maine State Legislature
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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
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Natural Resources

LD 1944

An Act to Restrict the Availability of Products with Excessive Levels of Arsenic

**PUBLIC 670
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	H-937
MARTIN	OTP-AM MIN	

LD 1944 proposed to ban the sale of fertilizer with a total arsenic level of more than 500 parts per million and require the Department of Environmental Protection and the Department of Human Services, Bureau of Health to study and make recommendations concerning environmentally acceptable arsenic levels in other products.

Committee Amendment "A" (H-937) is the majority report of the Joint Standing Committee on Natural Resources. It proposed to replace the bill and allow the Department of Agriculture, Food and Rural Resources to require additional information when registering fertilizers and also proposed to expand what is considered an adulterated commercial fertilizer to include fertilizers containing deleterious or harmful substances in sufficient amount to render them injurious to beneficial plant life, animals, humans, aquatic life, soil or water.

The amendment also proposed to require the Commissioner of Agriculture, Food and Rural Resources to adopt routine technical rules within 90 days after the effective date of this bill that list the information that may be required by the department when registering fertilizer and that list the type and amounts of substances that are considered deleterious in adulterated commercial fertilizers. The amendment also proposed to require the department to submit those rules to the joint standing committee of the Legislature having jurisdiction over agricultural matters in January of 2003 and proposed to allow that committee to report out legislation on matters pertaining to the information that may be requested by the department when registering fertilizers or pertaining to adulterated commercial fertilizers.

This amendment also proposed to add a new section stating that the changes to the agricultural laws pertaining to registering fertilizers and to the definition of adulterated fertilizers may not be construed to limit the authority of the Department of Environmental Protection to regulate the agronomic utilization of residuals under its laws or its rules.

Committee Amendment "B" (H-938) is the minority report of the Joint Standing Committee on Natural Resources. It is the same as the majority report except that it proposed to include the provisions in the original bill that deemed fertilizers having more than 500 parts per million of arsenic as adulterated fertilizers.

Enacted law summary

Public Law 2001, chapter 670 allows the Department of Agriculture, Food and Rural Resources to require additional information when registering fertilizers and expands what is considered an adulterated commercial fertilizer to include fertilizers containing deleterious or harmful substances in sufficient amount to render them injurious to beneficial plant life, animals, humans, aquatic life, soil or water. This law also requires the Commissioner of Agriculture, Food and Rural Resources to adopt routine technical rules within 90 days after the effective date of this bill that list the information that may be required by the department when registering fertilizer and that list the type and amounts of substances that are considered deleterious in adulterated commercial fertilizers. The department must submit those rules in January of 2003 to the joint standing committee of the Legislature having jurisdiction over agricultural matters. That committee is authorized to report out legislation on

Joint Standing Committee on Natural Resources

matters pertaining to the information that may be requested by the department when registering fertilizers or pertaining to adulterated commercial fertilizers.

This law also states that changes to the agricultural laws pertaining to registering fertilizers and to the definition of adulterated fertilizers may not be construed to limit the authority of the Department of Environmental Protection to regulate the agronomic utilization of residuals under its laws or its rules.

Public Law 2001, chapter 670 was enacted as an emergency measure effective April 11, 2002.

LD 1962 **Resolve, to Reduce Pollution of Androscoggin Lake by Repairing and Altering the Existing State-owned Barrier on Dead River in Leeds** **RESOLVE 123**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE NUTTING J	OTP-AM	H-902 S-580 GOLDTHWAIT

LD 1962, a concept draft pursuant to Joint Rule 208, proposed to reduce pollution to Androscoggin Lake originating from the Androscoggin River and thereby protect the lake's natural environment by directing the Department of Environmental Protection to take over ownership of, and immediate responsibility for the maintenance of, the pollution barrier located on the Dead River in Leeds, Maine known as the "Dead River Dam."

The bill also proposed to recommit up to \$20,000 in funds to the Land and Water Resources Council's Lakes Heritage Trust Fund, with the direction that these funds be made available to the Department of Environmental Protection to make needed repairs to the barrier and restore the barrier to its original design, working in cooperation with local stakeholders.

Committee Amendment "A" (H-902) proposed to change the bill to a resolve and change its title. The amendment proposed to provide the Department of Agriculture, Food and Rural Resources with \$40,000 to address emergency temporary repair issues at the state-owned dam on Dead River in the Town of Leeds, Androscoggin County. The amendment also proposed to provide the Department of Environmental Protection with \$20,000 to study the feasibility of and costs for options for permanent flood control structures on Dead River that eliminate or minimize the adverse environmental impacts to Androscoggin Lake resulting from polluted waters flowing into the lake from the Androscoggin River. The amendment also proposed to allow the Department of Environmental Protection to raise an additional \$15,000 for that study from local governments and private entities having an interest in Androscoggin Lake. The results of that study are to be reported by January 1, 2003 to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The amendment also proposed to allow the committee to report out emergency legislation to the First Regular Session of the 121st Legislature.

The amendment also proposed to prohibit the Department of Agriculture, Food and Rural Resources from removing or seeking to remove the state-owned dam on Dead River in Leeds, Androscoggin County until the results of the Department of Environmental Protection study are known.

Senate Amendment "A" to Committee Amendment "A" (S-580) proposed to allocate funds from the Dam Repair and Reconstruction Fund for various projects pertaining to the Dead River in the Town of Leeds.