

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 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 arranged alphabetically by committee name 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:

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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Enacted law summary

Resolve 2001, chapter 123 provides 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 law also provides 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 law also allows 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 committee may report out emergency legislation to the First Regular Session of the 121st Legislature. The law also allocates funds from the Dam Repair and Reconstruction Fund for various projects pertaining to the Dead River in the Town of Leeds.

The law also prohibits 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.

LD 1964

An Act to Amend Certain Laws Administered by the Department of Environmental Protection

PUBLIC 626 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN COWGER	OTP-AM	H-995 COWGER S-475

LD 1964 proposed to do the following.

1. Revise the membership of the Board of Underground Storage Tank Installers to provide flexibility in filling the seat currently allotted to the Maine Chamber of Commerce and Industry.
2. Extend the dioxin monitoring program from December 31, 2002 to December 31, 2007.
3. Require the Department of Environmental Protection to publish a list of municipalities determined to have capacity, as provided in the site law's capacity exemption, by January 1st of each year and removes a requirement that on and after January 1, 2003, the Department of Environmental Protection presume that each municipality with a population of 5,000 or more has capacity as provided in the site law's capacity exemption.
4. Require an underground oil storage facility to be registered with the Department of Environmental Protection at least 10 business days before the facility is installed.
5. Require owners of underground oil storage tanks, upon registration of the tanks with the Department of Environmental Protection, to provide information on tank location as necessary to determine if the tank meets siting restrictions enacted during the First Regular Session of the 120th Legislature.
6. Require owners of the underground oil storage tanks to provide a copy of the registration form to the municipality.

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7. Eliminate redundant wording in the law governing certification of fire-fighting personnel to remove underground oil storage tanks.
8. Clarify municipal responsibility for post-closure maintenance of closed landfills.
9. Allow the Commissioner of Environmental Protection to waive the fees on transport of hazardous waste when the fee is too small in relation to the cost of collecting it.
10. Exempt manufacturers of products that contain one or more mercury-added components from the need to notify the Department of Environmental Protection as to the amount of mercury in the components if that information is provided by the component manufacturer.

Committee Amendment "A" (S-475) proposed to correct an error from the First Regular Session of the 120th Legislature in which the authorization for agents of the Department of Inland Fisheries and Wildlife to keep \$1 for each lake and river protection sticker sold was inadvertently omitted from the enacted law. Since those lake and river protection stickers were available for purchase as of January 1, 2002, this amendment also makes that authorization to keep \$1 per sticker retroactive to that date. The amendment also exempts motorboats owned by federal, state or local governments from the fee for the lake and river protection stickers.

The amendment also proposed to clarify that the open burning of wood wastes and painted and unpainted wood from construction and demolition debris is not prohibited and that a burn permit is required for burning wood waste in incinerators smaller than 1,000 gallons.

This amendment also proposed to provide the option of appointing either an underground oil storage tank inspector, a 2nd underground oil storage tank installer or a member of the Maine Chamber and Business Alliance to one slot on the Board of Underground Tank Installers.

The amendment proposed to add a provision prohibiting adding water to a well except by licensed well drillers and licensed bulk water transporters and for aquifer recharges conducted in accordance with existing rules of the Department of Environmental Protection. Exceptions to this prohibition are provided for monitoring wells, wells constructed exclusively for the relief of artesian pressure at hydroelectric projects, wells constructed for temporary dewatering purposes and wells constructed for the purposes of extracting oil, gas or brine.

The amendment proposed to clarify that an air emission license is not required for incinerators smaller than 1,000 gallons that burn only wood waste.

This amendment also proposed to provide for a reduced period of time for notices of asbestos removal that are delivered to the Department of Environmental Protection in person and allows the department to further reduce the notification period if necessary to protect human health or the environment.

This amendment also proposed to clarify that the prohibition on backyard burning does not apply to packages that previously contained explosives that are being disposed of under the supervision of the State Fire Marshal.

House Amendment "A" to Committee Amendment "A" (H-995) proposed to add an emergency preamble and clause to the amendment to allow it to take effect immediately.

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Enacted law summary

Public Law 2001, chapter 626 does the following.

1. It provides the option of appointing either an underground oil storage tank inspector, a 2nd underground oil storage tank installer or a member of the Maine Chamber and Business Alliance to one slot on the Board of Underground Tank Installers.
2. It extends the dioxin monitoring program from December 31, 2002 to December 31, 2007.
3. It requires the Department of Environmental Protection to publish a list of municipalities determined to have capacity, as provided in the site law's capacity exemption, by January 1st of each year and removes a requirement that on and after January 1, 2003, the Department of Environmental Protection presume that each municipality with a population of 5,000 or more has capacity as provided in the site law's capacity exemption.
4. It requires an underground oil storage facility to be registered with the Department of Environmental Protection at least 10 business days before the facility is installed.
5. It requires owners of underground oil storage tanks, upon registration of the tanks with the Department of Environmental Protection, to provide information on tank location as necessary to determine if the tank meets siting restrictions enacted during the First Regular Session of the 120th Legislature.
6. It requires owners of the underground oil storage tanks to provide a copy of the registration form to the municipality.
7. It eliminates redundant wording in the law governing certification of fire-fighting personnel to remove underground oil storage tanks.
8. It clarifies municipal responsibility for post-closure maintenance of closed landfills.
9. It allows the Commissioner of Environmental Protection to waive the fees on transport of hazardous waste when the fee is too small in relation to the cost of collecting it.
10. It exempts manufacturers of products that contain one or more mercury-added components from the need to notify the Department of Environmental Protection as to the amount of mercury in the components if that information is provided by the component manufacturer.
11. It corrects an error from the First Regular Session of the 120th Legislature in which the authorization for agents of the Department of Inland Fisheries and Wildlife to keep \$1 for each lake and river protection sticker sold was inadvertently omitted from the enacted law. Since those lake and river protection stickers were available for purchase as of January 1, 2002, this law also makes that authorization to keep \$1 per sticker retroactive to that date. The law also exempts motorboats owned by federal, state or local governments from the fee for the lake and river protection stickers.
12. It clarifies that the open burning of wood wastes and painted and unpainted wood from construction and demolition debris is not prohibited and that a burn permit is required for burning wood waste in incinerators smaller than 1,000 gallons and clarifies that an air emission license is not required for incinerators smaller than

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1,000 gallons that burn only wood waste. This law also clarifies that the prohibition on backyard burning does not apply to packages that previously contained explosives that are being disposed of under the supervision of the State Fire Marshal.

13. It adds a provision prohibiting adding water to a well except by licensed well drillers and licensed bulk water transporters and for aquifer recharges conducted in accordance with existing rules of the Department of Environmental Protection. Exceptions to this prohibition are provided for monitoring wells, wells constructed exclusively for the relief of artesian pressure at hydroelectric projects, wells constructed for temporary dewatering purposes and wells constructed for the purposes of extracting oil, gas or brine.
14. It provides for a reduced period of time for notices of asbestos removal that are delivered to the Department of Environmental Protection in person and allows the department to further reduce the notification period if necessary to protect human health or the environment.

Public Law 2001, chapter 626 was enacted as an emergency measure effective April 5, 2002.

LD 1974

**Resolve, to Study the Design and Funding of a Household
Hazardous Waste and Universal Waste Collection Program**

RESOLVE 93

Sponsor(s)
COWGER
MARTIN

Committee Report
OTP-AM

Amendments Adopted
H-913

LD 1974 was a concept draft pursuant to Joint Rule 208. It proposed to establish a statewide household hazardous waste collection system and provide funding for the operating costs of this system.

Committee Amendment "A" (H-913) replaced the bill with a resolve. It proposed to direct the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2003 on the feasibility and design of a funding mechanism for the operational costs of a statewide household hazardous waste and universal waste collection program. The amendment also proposed to allow the committee to report out legislation establishing and funding such a program to the First Regular Session of the 121st Legislature. It also added a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 93 directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2003 on the feasibility and design of a funding mechanism for the operational costs of a statewide household hazardous waste and universal waste collection program. It also allows the committee to report out legislation establishing and funding such a program to the First Regular Session of the 121st Legislature.