

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*State Of Maine  
120th Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Natural Resources*

*May 2002*

**Staff:**

*Patrick T. Norton, Principal Analyst  
Susan Z. Johannesman, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*

**Members:**

*Sen. John L. Martin, Chair  
Sen. W. Tom Sawyer, Jr.  
Sen. Kevin L. Shorey*

*Rep. Scott W. Cowger, Chair  
Rep. Joseph E. Clark  
Rep. Robert W. Duplessie  
Rep. Christina L. Baker  
Rep. Joanne T. Twomey  
Rep. Theodore Koffman  
Rep. Robert A. Daigle  
Rep. David L. Tobin  
Rep. James D. Annis  
Rep. Richard A. Crabtree*



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
 Telephone: (207) 287-1670  
 Fax: (207) 287-1275

**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](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:

<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

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 2004**

**An Act to Phase Out the Availability of Mercury-added Products**

**PUBLIC 620**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	H-925
MARTIN	OTP-AM MIN	H-953 MAYO

LD 2004 proposed to phase out over a 6-year period the sale or distribution of products that contain more mercury than a specified level. Fluorescent lamps containing more than 10 milligrams of mercury are prohibited after January 1, 2010. Products that contain mercury that are necessary to comply with federal or state health or safety requirements could be granted an exemption by the Department of Environmental Protection if the manufacturer proves that: an appropriate method exists for the collection, transportation and processing of the product at the end of its useful life; the use of the product is beneficial to the environment or protection of public health or safety; and no alternative to the mercury-added product exists.

**Committee Amendment "A" (H-925)** is the majority report of the Joint Standing Committee on Natural Resources. This amendment proposed to replace the bill.

The amendment proposed to ban the sale of mercury-added thermostats after January 1, 2006, except for mercury-added thermostats used for manufacturing or industrial processes. A process is created allowing the Commissioner of Environmental Protection to allow for exemptions to the prohibition for manufacturers who demonstrate the existence of a recycling program for the mercury-added thermostats and that the use of the mercury-added thermostats provides a net benefit to the environment, public health or public safety.

The amendment also 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 1, 2003 on the product notification data received by the department by that date under the requirements of existing law. That report must also include recommendations on a comprehensive strategy to reduce the mercury content of products with the goal of maximizing the reduction of mercury emissions to the environment and any legislation necessary to implement those recommendations. The committee is given the authority to report out legislation to the First Regular Session of the 121st Legislature to implement recommendations included in this report.

**Committee Amendment "B" (H-926)** is the minority report of the Joint Standing Committee on Natural Resources. The amendment proposed to replace the bill, change the title of the bill and make the bill a resolve.

The amendment 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 1, 2003 on the product notification data received by the department by that date under the requirements of existing law. That report must also include recommendations on a comprehensive strategy to reduce the mercury content of products with the goal of maximizing the reduction of mercury emissions to the environment and any legislation necessary to implement those recommendations. The joint standing committee is given the authority to report out legislation to the First Regular Session of the 121st Legislature to implement recommendations included in this report. This amendment was not adopted.

**House Amendment "A" to Committee Amendment "A" (H-953)** proposed to exempt a thermostat used by a blind or visually impaired person from the prohibition on the sale of mercury-added thermostats.

## Joint Standing Committee on Natural Resources

### *Enacted law summary*

Public Law 2001, chapter 620, phases out over a 6-year period the sale or distribution of products that contain more mercury than a specified level. Fluorescent lamps containing more than 10 milligrams of mercury are prohibited after January 1, 2010. Products that contain mercury that are necessary to comply with federal or state health or safety requirements could be granted an exemption by the Department of Environmental Protection if the manufacturer proves that: an appropriate method exists for the collection, transportation and processing of the product at the end of its useful life; the use of the product is beneficial to the environment or protection of public health or safety; and no alternative to the mercury-added product exists. The law also bans the sale of mercury-added thermostats after January 1, 2006, except for mercury-added thermostats used for manufacturing or industrial processes and thermostats used by a blind or visually impaired person. A process is created allowing the Commissioner of Environmental Protection to allow for exemptions to the prohibition for manufacturers who demonstrate the existence of a recycling program for the mercury-added thermostats and that the use of the mercury-added thermostats provides a net benefit to the environment, public health or public safety.

The law also directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2003 on the product notification data received by the department by that date under the requirements of existing law. That report must also include recommendations on a comprehensive strategy to reduce the mercury content of products with the goal of maximizing the reduction of mercury emissions to the environment and any legislation necessary to implement those recommendations. The committee is given the authority to report out legislation to the First Regular Session of the 121st Legislature to implement recommendations included in this report.

**LD 2005**

**An Act to Ensure the Public Benefits of Solid Waste Facilities**

**ONTP**

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

LD 2005 proposed that any new or expanded solid waste disposal facility or any new or expanded solid waste facility that would be used for waste generated outside of the municipality in which the proposed facility was located, or outside of municipalities that had formed a regional association or had entered into an interlocal agreement for the handling of solid waste at the proposed facility, was required to obtain a determination from the State Planning Office that the proposed facility provided a substantial public benefit. The bill also proposed to eliminate the current requirement for such a determination from the Commissioner of Environmental Protection for all solid waste facilities proposed for disposal of solid waste. This bill also proposed to clarify that an application seeking authority to dispose of different solid waste at an existing disposal facility was considered an application for a new or expanded facility.

**Committee Amendment "A" (H-900)**, the minority report, proposed that any new or expanded solid waste disposal facility or any new or expanded solid waste facility that would handle municipal solid waste generated outside of the municipality in which the proposed facility was located, or outside of municipalities that had formed a regional association or had entered into an interlocal agreement for the handling of solid waste at the proposed facility, was required to obtain a determination from the Commissioner of Environmental Protection that the proposed facility provided a substantial public benefit. The amendment also proposed that an application that sought authority to handle an increase in the amount of municipal solid waste at an existing solid waste facility and