

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
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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:

<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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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

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

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an application that sought authority for a facility to accept municipal solid waste if the facility was not currently allowed to accept municipal solid waste would obtain a determination of public benefit. The amendment also proposed that the department should employ a rebuttable presumption of public benefit for certain solid waste facilities.

This amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 2014 **An Act to Stabilize Funding for the Air Quality Program within the Department of Environmental Protection** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER MARTIN	ONTP	

LD 2014 proposed to increase revenue to the air quality program within the Department of Environmental Protection to compensate for lost fees associated with emission reductions and facility closures and to offset increases in the costs incurred to administer the air quality program. Funds would be used to maintain existing levels of operation and service within the air quality program including ongoing maintenance of the ambient air quality monitoring network.

It also proposed to provide funds for an Environmental Specialist III limited-period position for the development of a greenhouse gas registry.

LD 2016 **An Act to Facilitate Compliance with Spill Prevention Requirements and Authorize Reimbursement for Certain Oil Spill Remediation Expenses** **PUBLIC 605**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRABTREE YOUNGBLOOD	OTP-AM MAJ ONTP MIN	H-945

LD 2016 proposed to eliminate avoidable and inappropriate disbursements from the state Ground Water Oil Clean-up Fund by:

1. Improving compliance with state and federal regulatory requirements that reduce the risk of spills from aboveground oil storage tanks; and
2. Authorizing reimbursement to the Ground Water Oil Clean-up Fund of spill clean-up costs that are covered by private insurance required under the federal Motor Carrier Act.

Under this bill, owners of aboveground oil storage facilities are required to certify, on the annual chemical inventory reporting form submitted to the Maine Emergency Response Commission, that underground piping at the facility meets existing state regulatory requirements and that the facility meets existing federal regulatory requirements for preparation and maintenance of a spill prevention control and countermeasure plan. The latter requirements are incorporated into state law so that they can be enforced by the Department of Environmental Protection. It also