

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries  
Joint Standing Committee  
on  
Natural Resources*

*July 2003*

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# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> Regular Session</i>
<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>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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
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*Joint Standing Committee on Natural Resources*

**LD 693**

**An Act To Ensure the Safety of Children Touring Incinerator Facilities**

**PUBLIC 441**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY	OTP-AM A	H-492
MARTIN	ONTP B	
	RE-REF C	

LD 693 proposed to require resource recovery facilities that burn municipal solid waste to provide safety glasses, a hard hat and a dust mask or single-use respirator to every person 18 years of age or younger who tours that facility. The bill proposed to require respirators to be of a type approved by National Institute of Occupational Safety and Health to protect the user against any particulates, dust or mists that may be encountered within that facility. The bill also proposed to require facilities to provide the safety glasses, hard hat and dust mask or respirator at no cost and to instruct the user on the proper use of the respirator.

**Committee Amendment "A" (H-492)** was the majority report of the committee. The amendment proposed to replace the bill. It proposed to require resource recovery facilities that burn municipal solid waste to send a list of Occupational Safety and Health Administration air quality violations to a school prior to allowing students to enter the facility for the purpose of touring the facility. It also proposed to require that the list be forwarded to the parent of any student touring the facility. The amendment also proposed to prohibit resource recovery facilities that burn municipal solid waste from permitting students who have not yet entered 7th grade to enter the facility for the purpose of touring the facility.

**House Amendment "A" to Committee Amendment "A" (H-501)** proposed to remove the provisions of Committee Amendment "A" that proposed to prohibit resource recovery facilities that burn municipal solid waste from permitting students who have not yet entered 7th grade to enter the facility for the purpose of touring the facility. This amendment was not adopted.

***Enacted Law Summary***

Public Law 2003, chapter 441 requires resource recovery facilities that burn municipal solid waste to send a list of Occupational Safety and Health Administration air quality violations to a school prior to allowing students to enter the facility for the purpose of touring the facility; the list must be forwarded to the parent of any student touring the facility. It also prohibits resource recovery facilities that burn municipal solid waste from permitting students who have not yet entered 7th grade to enter the facility for the purpose of touring the facility.

**LD 695**

**An Act To Amend the Laws Governing Minimum Lot Size**

**PUBLIC 308**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCNEIL	OTP-AM	H-349
SAVAGE		

LD 695 proposed to repeal the minimum lot size requirements for development using on-site subsurface wastewater disposal. It also proposed to fix cross-references.

## *Joint Standing Committee on Natural Resources*

**Committee Amendment "A" (H-349)** proposed to replace the original bill. The amendment proposed to authorize local plumbing inspectors in municipalities and unorganized territories to approve the installation of subsurface waste disposal systems on lots that are less than 20,000 square feet if certain criteria are met. If the criteria are not met, the Department of Human Services is the reviewing authority. The amendment also proposed to authorize the Department of Human Services or the municipality or unorganized territory to charge a review fee not to exceed \$50 per review.

### ***Enacted Law Summary***

Public Law 2003, chapter 308 authorizes local plumbing inspectors in municipalities and unorganized territories to approve the installation of subsurface waste disposal systems on lots that are less than 20,000 square feet if certain criteria are met. If the criteria are not met, the Department of Human Services is the reviewing authority. Chapter 308 also authorizes the Department of Human Services or the municipality or unorganized territory to charge a review fee not to exceed \$50 per review.

**LD 696**

**An Act Concerning the Adoption of Coastal Sand Dune Rules**

**PUBLIC 130  
EMERGENCY**

Sponsor(s)  
COWGER  
MARTIN

Committee Report  
OTP-AM

Amendments Adopted  
H-167

LD 696 proposed to prohibit seawall construction and enlargement; prohibit reconstruction of buildings in the sand dune system damaged by more than 50% by a storm; prohibit construction of new buildings in the frontal dune; and authorize the Board of Environmental Protection to grant variances from sand supply standards.

**Committee Amendment "A" (H-167)** proposed to replace the bill. The amendment proposed to provide that rules adopted by the Board of Environmental Protection regarding development in coastal sand dune systems are major substantive rules.

### ***Enacted Law Summary***

Public Law 2003, chapter 130 provides that rules adopted by the Board of Environmental Protection regarding development in coastal sand dune systems are major substantive rules.

Public Law 2003, chapter 130 was enacted as an emergency measure effective May 13, 2003.

**LD 697**

**An Act To Require the Installation of Dental Amalgam Separator Systems in Dental Offices**

**PUBLIC 301**

Sponsor(s)  
COWGER  
MARTIN

Committee Report  
OTP-AM

Amendments Adopted  
H-274

LD 697 proposed to require the installation of amalgam separator systems in dental offices that add, remove or modify dental amalgam. It proposed to require those systems to comply with the standards of the International