

# 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**  
Offices located in Room 215 of the Cross Office Building

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**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

## *Joint Standing Committee on Natural Resources*

Organization for Standardization, ISO 11143:1999. It proposed to require dentists to notify the Department of Environmental Protection of their installations and to also notify the director or chief engineer of a publicly owned treatment works if their wastewater is discharged into a publicly owned treatment works. It proposed that dentists must comply with these requirements beginning December 31, 2004.

**Committee Amendment "A" (H-274)** proposed to amend the definition of "amalgam separator system" to include a device that removes dental amalgam from the waste stream prior to its discharge to a private septic system located at a dental facility. The amendment also proposed to require dental amalgam separators to meet a minimum removal efficiency of 95% if installed prior to March 20, 2003 or 98% if installed on or after March 20, 2003 as determined through testing in accordance with standards of the International Organization for Standardization in effect on the date the system is installed. The amendment proposed to require dentists to maintain, for a period of 3 years, all shipping records for replacement filters and written documentation to demonstrate that the amalgam separator system has been properly inspected and maintained.

### *Enacted Law Summary*

Public Law 2003, chapter 301 requires the installation of amalgam separator systems in dental offices that add, remove or modify dental amalgam. Dental amalgam separators must meet a minimum removal efficiency of 95% if installed prior to March 20, 2003 or 98% if installed on or after March 20, 2003 as determined through testing in accordance with standards of the International Organization for Standardization in effect on the date the system is installed. Dentists must notify the Department of Environmental Protection of their installations and must also notify the director or chief engineer of a publicly owned treatment works if their wastewater is discharged into a publicly owned treatment works. Dentists must maintain, for a period of 3 years, all shipping records for replacement filters and written documentation to demonstrate that the amalgam separator system has been properly inspected and maintained. Dentists need not comply with these requirements until December 31, 2004.

**LD 707**

### **An Act Regarding the Development and Implementation of an Eradication Plan for Invasive Aquatic Plants**

**PUBLIC 136**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS JACOBSEN	OTP-AM	S-75

LD 707 proposed to require the Department of Environmental Protection to develop and implement a comprehensive plan for the eradication of invasive aquatic plants. The bill also proposed to require the department to attempt eradication of invasive aquatic plants prior to the completion of the comprehensive plan.

**Committee Amendment "A" (S-75)** proposed to replace the bill. The amendment proposed to authorize the Department of Environmental Protection to study and develop a plan that includes the use of water level drawdown for the eradication of invasive aquatic plants. Under the proposal, if the department determines that the plan is feasible, the department may implement the plan. The amendment also proposed to authorize the department to seek funding from private sources to support the development and implementation of the plan.

### *Enacted Law Summary*

Public Law 2003, chapter 136 authorizes the Department of Environmental Protection to study and develop a plan that includes the use of water level drawdown for the eradication of invasive aquatic plants. If the department