

# 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

determines that the plan is feasible, the department may implement the plan. Chapter 136 also authorizes the department to seek funding from private sources to support the development and implementation of the plan.

**LD 709**

**An Act To Require Public Meetings prior to Dam Removal**

**PUBLIC 134**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON FLETCHER	OTP-AM	S-64

LD 709 proposed to require the Department of Environmental Protection to hold a public hearing before a dam is removed.

**Committee Amendment "A" (S-64)** proposed to replace the bill. The amendment proposed to require a person who intends to file an application for a permit to remove an existing dam to attend a preapplication meeting with the Department of Environmental Protection and to hold a public informational meeting prior to filing the application. The meetings must be held in accordance with the department's rules on the processing of applications.

### *Enacted Law Summary*

Public Law 2003, chapter 134 requires a person who intends to file an application for a permit to remove an existing dam to attend a preapplication meeting with the Department of Environmental Protection and to hold a public informational meeting prior to filing the application. The meetings must be held in accordance with the department's rules on the processing of applications.

**LD 743**

**An Act To Develop a Plan for Cathode Ray Tube Disposal**

**PUBLIC 150**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON MARTIN	OTP-AM	H-185

LD 743 proposed to require producers of electronic equipment to implement a program for ensuring the environmentally sound collection, treatment, recovery and final disposition of discarded and obsolete electronic equipment.

**Committee Amendment "A" (H-185)** proposed to replace the bill. The amendment proposed to ban the disposal of cathode ray tubes, that are not already prohibited from disposal under the hazardous waste rules, in solid waste disposal facilities beginning January 1, 2006. The amendment also proposed to require the Department of Environmental Protection to convene a stakeholder group and to develop a recommended plan, utilizing the concept of shared responsibility among manufacturers, distributors, retailers, consumers and other parties, for the collection and recycling of cathode ray tubes. Under the amendment, the department would submit the recommended plan to the Joint Standing Committee on Natural Resources by January 30, 2004. The amendment proposed to authorize the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session of the 121st Legislature.

## *Joint Standing Committee on Natural Resources*

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

Public Law 2003, chapter 150 bans the disposal of cathode ray tubes, that are not already prohibited from disposal under the hazardous waste rules, in solid waste disposal facilities, beginning January 1, 2006. It also requires the Department of Environmental Protection to convene a stakeholder group and to develop a recommended plan, utilizing the concept of shared responsibility among manufacturers, distributors, retailers, consumers and other parties, for the collection and recycling of cathode ray tubes. The department must submit the recommended plan to the Joint Standing Committee on Natural Resources by January 30, 2004. The Joint Standing Committee on Natural Resources may report out legislation during the Second Regular Session of the 121<sup>st</sup> Legislature.

**LD 745**                      **An Act To Allow Municipalities To Assess a Surcharge on New Construction That Is Not in a Designated Growth Area**                      **ONTP**

<u>Sponsor(s)</u> LEMOINE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 745 proposed to authorize a municipality to impose a surcharge on new construction located outside its designated growth area.

**LD 803**                      **An Act To Ensure the Rights of Host Communities Regarding the Construction and Operation of State-owned Solid Waste Disposal Facilities**                      **ONTP**

<u>Sponsor(s)</u> HATCH PH HATCH PR	<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN	<u>Amendments Adopted</u>
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LD 803 proposed to do the following:

1. It proposed to require that host community agreements between municipalities and solid waste facility operators be monitored for good faith by a neutral arbitrator;
2. It proposed to require that host community agreements provide for tipping fees to be paid to the municipality into a trust fund to help pay for monitoring, testing and administrative costs of solid waste facilities and in case of accidents or failures with the facility;
3. It proposed to require the Executive Department, State Planning Office to report to the Legislature when there is only one facility in the State to handle the required disposal demand or when the available capacity will be used up within 4 years; and
4. It proposed to require the State Planning Office to conduct a search and report on other suitable disposal sites in the State.

**Committee Amendment "A" (S-150)** was the minority report of the Joint Standing Committee on Natural Resources. The amendment proposed to add an appropriation section. This amendment was not adopted.