

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
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Natural Resources*

May 2004

Staff:

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. Betheda G. Edmonds
Sen. W. Tom Sawyer, Jr.*

*Rep. Theodore Koffman, Chair
Rep. Joanne T. Twomey
Rep. Deborah J. Hutton
Rep. Elaine Makas
Rep. Thomas B. Saviello
Rep. Judd D. Thompson
Rep. Robert A. Daigle
Rep. David L. Tobin
Rep. Henry L. Joy
Rep. James D. Annis*

Maine State Legislature



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

*121st Maine Legislature
Second Regular Session and
Second Special 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/billsumm.htm).

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:

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

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Natural Resources

LD 1158

An Act To Protect Maine's Coastal Water

PUBLIC 650

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM MAJ ONTP MIN	S-429 S-497 MARTIN

LD 1158 proposed to establish commercial passenger vessel environmental compliance standards to provide for the terms and conditions of vessel discharges and monitoring and supervision of discharges from commercial passenger vessels through a registration system.

Committee Amendment "A" (S-429) was the majority report. The amendment proposed to do the following:

1. Clarify an existing statutory standard that discharging sludge is not allowed.
2. Provide an exemption for large and small commercial passenger vessels for the discharge of graywater. The exemption for large commercial passenger vessels would sunset January 1, 2006.
3. Exempt from regulation graywater discharges from small commercial passenger vessels. As proposed, the Department of Environmental Protection would report back to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2006 concerning further regulation of graywater discharges from small commercial vessels.
4. Require that large commercial passenger vessels report discharges of blackwater in violation of federal law outside no-discharge zones or any blackwater discharges within a no-discharge zone.
5. Require the reporting of unauthorized discharges of graywater from large commercial passenger vessels to the Department of Environmental Protection beginning in 2006.
6. Require large commercial passenger vessels to annually certify, beginning in 2006, that they will not discharge graywater or a mixture of graywater and blackwater to the coastal waters and will act according to an agreement with the State. If the owner of the vessel does not enter into an agreement with the State, the owner would be required to seek authorization and a license to discharge graywater or a mixture of graywater and blackwater.
7. Make a change specifically to exclude discharges from vessels from the prohibited class of "new discharges of domestic pollutants" untreated by a municipal facility.
8. Allow the Department of Environmental Protection to request authorization from the joint standing committee of the Legislature having jurisdiction over natural resources matters to apply to the federal Environmental Protection Agency for additional "no-discharge zone" designations in the future.
9. Require the Department of Environmental Protection to report back to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 concerning air emissions from vessels.

Joint Standing Committee on Natural Resources

Senate Amendment "A" to Committee Amendment "A" (S-497) proposed to amend Committee Amendment "A." The amendment proposed to prohibit the discharge of graywater or a mixture of graywater and blackwater to coastal waters by owners or operators of large commercial passenger vessels. Under the amendment, beginning January 1, 2006, a vessel that is equipped with an advanced wastewater treatment system may discharge graywater or a mixture of graywater and blackwater if the discharge complies with federal effluent standards and the owner or operator of the vessel complies with record-keeping and sampling and reporting requirements of federal law and is issued a general permit from the Department of Environmental Protection. The amendment also proposed to allow a large commercial passenger vessel that is equipped with a discharge system that requires continuous discharge to discharge graywater or a mixture of graywater and blackwater prior to January 1, 2006 if the vessel is authorized to discharge in Alaskan waters.

Enacted Law Summary

Public Law 2003, chapter 650 prohibits the discharge of graywater or a mixture of graywater and blackwater to coastal waters by owners or operators of large commercial passenger vessels. Beginning January 1, 2006, a large commercial passenger vessel that is equipped with an advanced wastewater treatment system may discharge graywater or a mixture of graywater and blackwater if the discharge complies with federal effluent standards and the owner or operator of the vessel complies with record-keeping and sampling and reporting requirements of federal law and is issued a general permit from the Department of Environmental Protection. Prior to January 1, 2006, a large commercial passenger vessel that is equipped with an advanced wastewater discharge system that requires continuous discharge may discharge graywater or a mixture of graywater and blackwater if the vessel is authorized to discharge in Alaskan waters.

Chapter 650 also directs the Department of Environmental Protection to submit to the Joint Standing Committee on Natural Resources a report concerning graywater discharges from small commercial passenger vessels and a report concerning air emissions from vessels.

LD 1617

An Act To Improve Subdivision Standards

PUBLIC 622

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN MARTIN	OTP-AM MAJ ONTP MIN	H-792

LD 1617 proposed to prohibit subdivisions that convert the primary use of the land from timberland to nontimberland use in situations when the land being subdivided has changed ownership in the 5 years preceding the subdivision application, when the subdivision would convert the primary use of the land from timberland to nontimberland use and when the subdivision exceeds 100 acres alone or in conjunction with other similar divisions created within 5 years out of the same parcel of land that resulted in conversion of the primary use of those subdivisions from timberland to nontimberland use. The bill would apply to subdivisions reviewed by the Maine Land Use Regulation Commission and to subdivisions reviewed by a municipal reviewing authority.

Committee Amendment "A" (H-792) was the majority report. The amendment proposed to replace the bill. It proposed to prohibit a municipality or the Maine Land Use Regulation Commission from approving an application for a subdivision if the parcel has been harvested in violation of rules adopted by the Maine Forest Service to regulate liquidation harvesting. As proposed, the prohibition would end 5 years from the date the parcel was