

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*

First Regular Session

*Bill Summaries
Joint Standing Committee
on
Natural Resources*

July 2003

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 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).

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 2nd 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 & 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&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 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

Joint Standing Committee on Natural Resources

Enacted Law Summary

Public Law 2003, chapter 165 changes the date, from December 31, 2003 to December 31, 2004, by which a bleach kraft pulp mill that fails to meet fish-tissue sampling-result requirements for dioxin must demonstrate that its waste discharge is not the source of elevated dioxin in fish or be subject to potential enforcement action by the Department of Environmental Protection and requires that the demonstration be made annually thereafter. It also changes the date, from May 1, 2003 to February 16, 2004, by which the Commissioner of Environmental Protection and the Commissioner of Human Services must submit a comprehensive assessment on the progress in eliminating the discharge of dioxin from bleach kraft pulp mills in the State. It also deletes the requirement for the commissioners to submit annual progress reports.

LD 1472

An Act To Protect Maine's Water as a Natural Resource

ONTP

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

LD 1472 was a concept draft pursuant to Joint Rule 208. It proposed to enact a law to establish a procedure to provide the State with severance fees on water that is extracted from the State. The proposed law would be similar to laws in other states whereby a state that has oil and minerals extracted from its natural resources base receives severance fees.

LD 1485

Resolve, To Update Water Quality Criteria

RESOLVE 39

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KOFFMAN	OTP-AM	S-107

LD 1485 proposed to establish requirements related to measurement of dissolved oxygen within riverine impoundments. It proposed to:

1. Amend the bacteria criteria for Class B waters;
2. Amend the dissolved oxygen standard and bacteria standard for Class C waters;
3. Require the Department of Environmental Protection to recommend any needed changes to the dissolved oxygen standard for estuarine and marine waters to the Joint Standing Committee on Natural Resources by January 1, 2004 and authorize the committee to report out related legislation to the Second Regular Session of the 121st Legislature.

Committee Amendment "A" (S-107) proposed to replace the bill. The amendment proposed to direct the Department of Environmental Protection to review and to recommend any needed changes to the bacteria criteria for Class B waters, the bacteria criteria and dissolved oxygen standard for Class C waters and the dissolved oxygen standard for estuarine and marine waters. The amendment also proposed to authorize the Joint Standing Committee

Joint Standing Committee on Natural Resources

on Natural Resources to report out legislation on these issues to the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Resolve 2003, chapter 39 directs the Department of Environmental Protection to review and to recommend any needed changes to the bacteria criteria for Class B waters, the bacteria criteria and dissolved oxygen standard for Class C waters and the dissolved oxygen standard for estuarine and marine waters. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation on these issues to the Second Regular Session of the 121st Legislature.

LD 1493

An Act To Expedite the Removal of Overboard Discharge

PUBLIC 246

Sponsor(s)
DAIGLE

Committee Report
OTP-AM

Amendments Adopted
H-260

LD 1493 proposed to increase the base fee for certain discharges.

The bill proposed to add a definition of "overboard discharge," referencing the existing definition, to the laws governing water protection.

The bill proposed to change the existing grant program from one that determines the amount of grant based on facility use to one that determines the grant based on the applicant's annual income.

The bill proposed to provide grant funds, based on the ability to pay, to anyone removing that person's overboard discharge system, not just to a person whose overboard discharge system is targeted for removal by the grant program.

The bill proposed to require that, prior to transfer of any property with an overboard discharge, the property must be evaluated as to whether an alternative system can be installed and proposed to require the installation of that system if possible.

The bill proposed to eliminate obsolete statutory language.

The bill proposed to consolidate the annual license and inspection fees into one fee. The bill also proposed to consolidate several fee reductions based on income into one fee reduction based on income. It also proposed to clarify the requirement for maintenance contracts for certain types of overboard discharges previously stipulated in the Maine Revised Statutes, Title 38, section 414, subsection 3-B. It also proposed to eliminate language prescribing the number of inspections to be conducted by the department.

The bill proposed to eliminate the waiver of department inspection and additional requirements and penalties for homeowners that choose to hire a private service contractor to maintain their overboard discharge. It also proposed to eliminate the fee reduction for owners who hire a service contractor.

The bill proposed to require that, at the time of relicensing, all overboard discharge owners evaluate whether they have an alternative to the overboard discharge and install the alternative when possible. The bill also proposed to