

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

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
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Rep. Judd D. Thompson
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Rep. Henry L. Joy
Rep. James D. Annis*

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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).

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

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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

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provide that grant money to all owners required to remove overboard discharge must be based on their ability to pay and that, if no grant money is available, the installation may be postponed until grant money is available. The bill proposed to eliminate the conditional permit provision in current law.

The bill proposed to clarify the determination of flow volume and seasonal use and proposed to provide greater flexibility for the homeowner to prove year-round use.

Committee Amendment "A" (H-260) proposed to restrict the Department of Environmental Protection's authority to require the installation of holding tanks on seasonal overboard discharges. The amendment also proposed to delete a section of law that provided for license terms prior to the State's being delegated authority to issue permits under the Federal Water Pollution Control Act. The amendment also proposed to provide that if it has been demonstrated within the past 5 years that there is no alternative to an overboard discharge, the parties to a transfer of the property do not need to determine whether there are any technologically proven alternatives.

Enacted Law Summary

Public Law 2003, chapter 246 does the following:

1. It increases the base fee for certain discharges.
2. It consolidates the annual license and inspection fees into one fee.
3. It consolidates several fee reductions based on income into one fee reduction based on income.
4. It adds a definition of "overboard discharge," referencing the existing definition, to the laws governing water protection.
5. It changes 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.
6. It provides 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.
7. It requires 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 requires the installation of that system if possible. Except that, if it has been demonstrated within the past 5 years that there is no alternative to an overboard discharge, the parties to a transfer of the property do not need to determine whether there are any technologically proven alternatives.
8. It clarifies 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 and it eliminates language prescribing the number of inspections to be conducted by the department.
9. It eliminates 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. The bill also eliminates the fee reduction for owners who hire a service contractor.
10. It requires 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.

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11. It provides that grant money to all owners required to remove overboard discharge must be based on their ability to pay and that, if no grant money is available, the installation may be postponed until grant money is available.
12. It eliminates the conditional permit provision in current law.
13. It clarifies the determination of flow volume and seasonal use and provides greater flexibility for the homeowner to prove year-round use.
14. It eliminates obsolete statutory language.
15. It restricts the Department of Environmental Protection's authority to require the installation of holding tanks on seasonal overboard discharges.
16. It deletes a section of law that provided for license terms prior to the State being delegated authority to issue permits under the Federal Water Pollution Control Act.

LD 1515

An Act To Promote and Monitor Competition in the Solid Waste Industry

PUBLIC 338

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KOFFMAN	OTP-AM	S-163

LD 1515 proposed to impose restrictions on the use of so-called "evergreen" contract clauses in small container commercial trash hauling contracts. The bill proposed that it is the policy of the State to ensure that municipalities and businesses enjoy reasonable, competitive options for the management and disposal of solid waste and proposed to broaden the data collection and reporting responsibilities of the Executive Department, State Planning Office.

Committee Amendment "A" (S-163) proposed to replace the bill. The amendment proposed to require contractors in the small container commercial trash hauling business to notify a customer with a contract containing an automatic renewal provision between 60 and 90 days prior to the contract termination date that if the customer does not, within 60 days, notify the contractor of the customer's intention to terminate the contract, the contract will be automatically renewed. The amendment also proposed to limit the charge for early termination of a small container commercial trash hauling contract to a maximum of 3 times the current monthly charge. The amendment also proposed to prohibit these contracts from requiring the customer to inform the contractor of the prices or terms offered by competitors. The amendment also proposed that these contract restrictions do not apply to current contracts. The amendment also proposed to require the Executive Department, State Planning Office to report on how changes in available disposal capacity have affected or are likely to affect disposal prices.

Enacted Law Summary

Public Law 2003, chapter 338 requires contractors in the small container commercial trash hauling business to notify a customer with a contract containing an automatic renewal provision between 60 and 90 days prior to the contract termination date that if the customer does not, within 60 days, notify the contractor of the customer's intention to terminate the contract, the contract will be automatically renewed. It also limits the charge for early