

# 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

## *Joint Standing Committee on Natural Resources*

The additional revenue is intended to provide state cost share support for the operational costs incurred by municipalities in the management of household hazardous waste. At least 90% of these funds must be allocated to the State Planning Office, 5% may be transferred to the Department of Environmental Protection and 5% may be transferred to the Department of Agriculture, Food and Rural Resources to carry out the purposes of this chapter. The additional costs associated with administering this state cost share program to municipalities can be absorbed by the State Planning Office utilizing existing budgeted resources.

Chapter 30 also requires the Department of Environmental Protection to conduct a study regarding ongoing sources of funding for municipal collection of hazardous waste. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session of the 121st Legislature concerning ongoing sources of funding.

**LD 1570**

### **An Act Concerning Storm Water Management**

**PUBLIC 318  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-151

LD 1570 proposed to amend Maine's storm water management law to extend the review period for applicants proposing solely vegetative means to control storm water from 30 to 45 calendar days and the review period for applicants proposing to use structural means from 60 to 90 days.

It proposed to allow the discharge of storm water to waters having a drainage area of less than 10 square miles if the discharge is in conformance with state and local requirements.

It proposed that certain discharge limitations do not apply to the discharge of storm water.

It proposed that storm water discharges to Class A waters must be in compliance with state and local requirements.

It proposed to change the allocation of the law prohibiting the placement of materials on the banks of Class A waters in any manner so that the transfer of pollutants into the waters is likely.

The bill also proposed to require the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 2004. As proposed, the report must include recommendations for improving the effectiveness of storm water management in this State and include rules provisionally adopted pursuant to the Maine Revised Statutes, Title 38, sections 413 and 420-D that regulate storm water discharges to impaired waters from existing development where necessary to allow restoration of water quality and from new development both during and after construction. The bill proposed to require the department to consult with state and federal agencies and environmental and business interest groups when considering recommendations. As proposed, the Joint Standing Committee on Natural Resources may report out legislation related to storm water management to the Second Regular Session of the 121st Legislature.

**Committee Amendment "A" (S-151)** proposed to change the review period for individual permits for projects using vegetative buffers back to 30 days, which is the review period currently in law. The amendment also proposed to clarify that material may not be deposited on the banks of Class A waters in any manner that makes transfer of pollutants into the waters likely. The amendment also proposed to remove the requirement that the

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recommendation of the Department of Environmental Protection include provisionally adopted rules and instead proposed that the recommendations may include draft rules.

**House Amendment "A" to Committee Amendment "A" (H-368)** proposed to prohibit a deposit of materials on the banks of Class A waters that makes the negligent transfer of pollutants into the waters imminent. This amendment was not adopted.

### *Enacted Law Summary*

Public Law 2003, chapter 318 amends Maine's storm water management law to extend the review period for applicants proposing to meet the standards by using structural means from 60 to 90 days. It allows the discharge of storm water to waters having a drainage area of less than 10 square miles if the discharge is in conformance with state and local requirements. It provides that certain discharge limitations do not apply to the discharge of storm water. It provides that storm water discharges to Class A waters must be in compliance with state and local requirements. It clarifies that material may not be deposited on the banks of Class A waters in any manner that makes transfer of pollutants into the waters likely.

Chapter 318 requires the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 2004. The report must include recommendations for improving the effectiveness of storm water management in this State and may include draft rules that regulate storm water discharges to impaired waters from existing development where necessary to allow restoration of water quality and from new development both during and after construction. The department shall consult with state and federal agencies and environmental and business interest groups when considering recommendations. The Joint Standing Committee on Natural Resources may report out legislation related to storm water management to the Second Regular Session of the 121st Legislature.

Public Law 2003, chapter 318 was enacted as an emergency measure effective May 27, 2003.

**LD 1604**

**An Act To Expedite the Drilling of Private Drinking Water Wells**

**PUBLIC 373**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN LUNDEEN	OTP-AM	S-224

LD 1604 proposed to exempt excavators constructing water wells from certain notification requirements of excavation laws when operating on private property away from the location of underground facilities.

**Committee Amendment "A" (S-224)** proposed to replace the bill. It proposed to allow all excavators to begin excavation immediately in locations in which all facility owners have indicated to the excavator or to the system that no underground facilities exist. The amendment also proposed to direct the Public Utilities Commission to establish by rule notice requirements for excavation associated with drinking water well construction. The rules are major substantive rules and must be submitted to the Joint Standing Committee on Utilities and Energy by February 1, 2004.