

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*Second Regular Session and  
Second Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Natural Resources*

*May 2004*

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*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](http://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

### Enacted Law Summary

Public Law 2003, chapter 622 prohibits 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. This prohibition ends 5 years from the date the parcel was purchased by the landowner responsible for the harvest. This provision takes effect on the same date that the Maine Forest Service rules become effective.

**LD 1655**

### An Act To Amend Certain Laws Relating to Environmental Protection

**PUBLIC 551**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KOFFMAN	OTP-AM	S-390

LD 1655 proposed to make the following changes to laws administered by the Department of Environmental Protection. It proposed to:

1. Reduce the frequency of reporting under the Clean Government Initiative;
2. Give the department authority to license categories of subsurface discharges by rule when the discharges will not have a significant adverse effect on the quality or classification of groundwaters of the State;
3. Change the frequency of a public hearing requirement to accord with minimum federal requirements concerning hearings related to the review of water quality standards;
4. Correct an error in the existing statute governing the water quality classification of the Dennys River Basin by designating the correct bridge relative to the location of tidewaters;
5. Amend the "sand supply" standard in the Maine Revised Statutes, Title 38, section 480-D, subsection 7 by adding "or gravel" in order to make it consistent with the definition of "coastal sand dune systems" in Title 38, section 480-B, subsection 1;
6. Make a claimant ineligible to receive 3rd-party damage payments from the Maine Coastal and Inland Surface Oil Clean-up Fund or the Ground Water Oil Clean-up Fund if the claimant caused the oil discharge that resulted in the damages or the claimant otherwise meets the definition of "responsible party" under Maine oil discharge law;
7. Authorize the Commissioner of Environmental Protection to dismiss a claim for damages associated with an oil discharge if the claim is not timely filed, the claimant does not provide the information needed to process the claim or the claimant is found to be responsible for the discharge;
8. Provide that the discovery of oil in drinking water supplies, soil or other locations on the premises of an underground storage facility is evidence of a leak;

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9. Allow operators of underground oil storage facilities to forego inventory analysis if the storage tanks are monitored for leaks by a method able to detect a product loss of 0.2 gallons or less per hour;
10. Repeal obsolete language governing bare steel underground oil storage tanks;
11. Extend the sunset date of the department's authority to enforce federal requirements for spill prevention control and countermeasure plans at aboveground storage facilities;
12. Delete an incongruent reference in the law governing the sale of elemental mercury for manufacturing purposes; and
13. Require prior written consent from public water suppliers before chemical control agents are used on a waterbody that is a public water supply regardless of whether watercraft use had been restricted for the waterbody due to the presence of invasive plants.

### **Committee Amendment "A" (S-390) proposed to:**

1. Change the title of the bill;
2. Exempt wastewater treatment plants from the licensing provisions for electrical installations;
3. Delete references to the Maine Petroleum Association in the laws affecting the memberships of the Board of Underground Storage Tank Installers and the Fund Insurance Review Board;
4. Replace a previously repealed definition of "hospital" in the section of law that exempts hospitals from the prohibition against new biomedical waste disposal facilities. It also proposed to exempt from the prohibition a group of hospitals acting through a hospital association;
5. Clarify that prospective rules governing certain wastewater discharges will be designated as routine technical rules unless they are incorporated within a chapter of rules that are otherwise designated as major substantive rules;
6. Delete the provision in the bill that would extend from 2005 to 2010 the Department of Environmental Protection's authority to administer the aboveground oil storage tank spill prevention control and countermeasure plan program; and
7. Reduce the frequency with which the Mercury Products Advisory Committee must meet.

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

Public Law 2003, chapter 551 makes the following changes to laws relating to environmental protection.

1. It reduces the frequency of reporting under the Clean Government Initiative.
2. It gives the department authority to license categories of subsurface discharges by rule when the discharges will not have a significant adverse effect on the quality or classification of groundwaters of the State.
3. It changes the frequency of a public hearing requirement to accord with minimum federal requirements concerning hearings related to the review of water quality standards.

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4. It corrects an error in the existing statute governing the water quality classification of the Dennys River Basin by designating the correct bridge relative to the location of tidewaters.
5. It amends the "sand supply" standard in the Maine Revised Statutes, Title 38, section 480-D, subsection 7 by adding "or gravel" in order to make it consistent with the definition of "coastal sand dune systems" in Title 38, section 480-B, subsection 1.
6. It makes a claimant ineligible to receive 3rd-party damage payments from the Maine Coastal and Inland Surface Oil Clean-up Fund or the Ground Water Oil Clean-up Fund if the claimant caused the oil discharge that resulted in the damages or the claimant otherwise meets the definition of "responsible party" under Maine oil discharge law.
7. It authorizes the Commissioner of Environmental Protection to dismiss a claim for damages associated with an oil discharge if the claim is not timely filed, the claimant does not provide the information needed to process the claim or the claimant is found to be responsible for the discharge.
8. It provides that the discovery of oil in drinking water supplies, soil or other locations on the premises of an underground storage facility is evidence of a leak.
9. It allows operators of underground oil storage facilities to forego inventory analysis if the storage tanks are monitored for leaks by a method able to detect a product loss of 0.2 gallons or less per hour.
10. It repeals obsolete language governing bare steel underground oil storage tanks.
11. It deletes an incongruent reference in the law governing the sale of elemental mercury for manufacturing purposes.
12. It requires prior written consent from public water suppliers before chemical control agents are used on a waterbody that is a public water supply, regardless of whether watercraft use had been restricted for the waterbody due to the presence of invasive plants.
13. It exempts wastewater treatment plants from the licensing provisions for electrical installations.
14. It deletes references to the Maine Petroleum Association in the laws affecting the memberships of the Board of Underground Storage Tank Installers and the Fund Insurance Review Board.
15. It replaces a previously repealed definition of "hospital" in the section of law that exempts hospitals from the prohibition against new biomedical waste disposal facilities. It also exempts from the prohibition a group of hospitals acting through a hospital association.
16. It clarifies that prospective rules governing certain wastewater discharges will be designated as routine technical rules unless they are incorporated within a chapter of rules that are otherwise designated as major substantive rules.
17. It reduces the frequency with which the Mercury Products Advisory Committee must meet.