

# 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](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*

**LD 1863**

**An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Handling Facility Site in Plymouth**

**PUBLIC 596  
EMERGENCY**

Sponsor(s)  
MARTIN  
CARR

Committee Report  
OTP-AM

Amendments Adopted  
S-449

LD 1863 proposed to specify that money in the Waste Oil Clean-up Fund may be used for the costs of remedial design and technical impracticability study in connection with the Plymouth waste oil site.

**Committee Amendment "A" (S-449)** proposed to add an emergency clause and an emergency preamble to the bill. The amendment also proposed to avoid a conflict with newly enacted Public Law 2003, chapter 537 by striking the section concerning remedial design and technical impracticability study and reformatting that provision as a unique subsection in the statutes.

***Enacted Law Summary***

Public Law 2003, chapter 596 specifies that money in the Waste Oil Clean-up Fund may be used for the costs of remedial design and a technical impracticability study in connection with the Plymouth waste oil site.

Public Law 2003, chapter 596 was enacted as an emergency measure effective April 6, 2004.

**LD 1866**

**An Act Relating to Storm Water Management**

**PUBLIC 607**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
S-441

LD 1866 proposed to amend the laws relating to storm water management as recommended by the Department of Environmental Protection pursuant to Public Law 2003, chapter 318. It proposed to require that all projects subject to the storm water laws meet basic water quality protection standards. It proposed to set the permit threshold at one acre of disturbance. It proposed to regulate existing sources in the watershed of impaired waters where they are identified as significant contributors to the cause of impairment.

**Committee Amendment "A" (S-441)** proposed to replace the bill. It proposed to exempt certain manure storage facilities from storm water management review. It also proposed to direct the Board of Environmental Protection to provisionally adopt rules to regulate storm water management by January 2, 2005 and it proposed to direct the Department of Environmental Protection to submit a bill to the First Regular Session of the 122nd Legislature to resolve inconsistencies between those rules and the Maine Revised Statutes, Title 38, section 420-D.

## Joint Standing Committee on Natural Resources

### Enacted Law Summary

Public Law 2003, chapter 607 exempts certain manure storage facilities from storm water management review. It also directs the Board of Environmental Protection to provisionally adopt rules to regulate storm water management by January 2, 2005 and directs the Department of Environmental Protection to submit a bill to the First Regular Session of the 122nd Legislature to resolve inconsistencies between those rules and the Maine Revised Statutes, Title 38, section 420-D.

**LD 1870**

**An Act To Prohibit the Sale of Gasoline Containing MTBE**

**PUBLIC 638**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES HALL	OTP-AM	H-793

LD 1870 proposed to prohibit the retail sale of automobile gasoline containing MTBE.

**Committee Amendment "A" (H-793)** proposed to prohibit the sale of gasoline containing more than 1/2 of 1% by volume of the additive known as MTBE by January 1, 2007. It proposed to authorize the Commissioner of Environmental Protection to issue an emergency order that waives the sales prohibition if necessary. It proposed to direct the Department of Environmental Protection to present a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the implementation and status of the sales prohibition by March 1, 2006. It proposed to delete references in current statute to the State's goal of eliminating MTBE in gasoline by January 1, 2003 and it proposed to move a definition from one section of the Maine Revised Statutes, Title 10 to a more appropriate section.

### Enacted Law Summary

Public Law 2003, chapter 638 prohibits the sale of gasoline containing more than 1/2 of 1% by volume of the additive known as MTBE by January 1, 2007. It authorizes the Commissioner of Environmental Protection to issue an emergency order that waives the sales prohibition if necessary. It directs the Department of Environmental Protection to present a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the implementation and status of the sales prohibition by March 1, 2006. It deletes references in current statute to the State's goal of eliminating MTBE in gasoline by January 1, 2003. It moves a definition from one section of the Maine Revised Statutes, Title 10 to a more appropriate section.

**LD 1891**

**An Act To Reclassify Certain Downeast Waters**

**PUBLIC 663**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	H-791

LD 1891 proposed to reclassify certain Downeast waters that were proposed for reclassification by the Department of Environmental Protection during the First Regular Session of the 121st Legislature but were not included in the