

# 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*

**Staff:**

*Susan Z. Johannesman, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*

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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**

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report of the Joint Standing Committee on Natural Resources during that session. This bill was submitted pursuant to Public Law 2003, chapter 317.

**Committee Amendment "A" (H-791)** was the majority report. It proposed that the segment of Cathance Stream to be upgraded to Class AA in the bill is only the segment in Edmunds Township. It also proposed that when adopting water use standards the Department of Environmental Protection must take into account that it is not the Legislature's intent to prohibit all water use in those waters that are reclassified in the bill.

### *Enacted Law Summary*

Public Law 2003, chapter 663 reclassifies 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 report of the Joint Standing Committee on Natural Resources during that session.

It also provides that when adopting water use standards the Department of Environmental Protection must take into account that it is not the Legislature's intent to prohibit all water use in those waters that are reclassified pursuant to Chapter 663.

**LD 1892**

**An Act To Protect Public Health and the Environment by Providing  
for a System of Shared Responsibility for the Safe Collection and  
Recycling of Electronic Waste**

**PUBLIC 661**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    A	H-861
	ONTP       B	S-516    MARTIN
	OTP-AM    C	

LD 1892 proposed to establish a system to provide for the collection and recycling of electronic devices in the State as recommended by the Department of Environmental Protection pursuant to Public Law 2003, chapter 150.

Under the bill as proposed:

1. Municipalities would be required to ensure that computer monitors and televisions generated as waste from households within their jurisdiction are delivered to a consolidation facility.
2. Beginning in 2006, consolidation facilities would be required to identify the manufacturer of computer monitors delivered to the facility and to transport those items to recycling and dismantling facilities. Beginning in 2012, consolidation facilities would be required to identify the manufacturer of televisions delivered to the facility and to transport those items to recycling and dismantling facilities.
3. Beginning in 2006, computer manufacturers would be responsible for the handling and recycling of computer monitors received at consolidation facilities and pay for the operational costs of the consolidation facility attributable to the handling of computer monitors. Beginning in 2012, television manufacturers would be responsible for the handling and recycling of all televisions received at consolidation facilities and pay for the operational costs of the consolidation facility attributable to the handling of televisions.

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4. Beginning in 2006 and ending on December 31, 2011, the State would be responsible for the cost of handling and recycling orphan waste computer monitors received at consolidation facilities and the State would be required to pay for the operational costs of the consolidation facility attributable to the handling of orphan waste computer monitors, costs for transportation from the consolidation facility to a licensed recycling and dismantling facility and the cost of recycling.
5. Manufacturers of computer monitors and televisions would be required to submit plans for the collection and recycling of computer monitors and televisions.
6. A fee would be set on the retail sale of televisions of \$6 for each unit sold. Collection of the fee would start January 1, 2005 and end January 1, 2012. The fee would be deposited into the Maine Solid Waste Management Fund to reimburse:
  - a. Consolidation facilities for expenses incurred prior to January 1, 2012 for operational costs, costs of transportation from the facilities to recycling and dismantling facilities and the costs of recycling;
  - b. Municipalities for expenses incurred prior to January 1, 2012 related to transportation from a municipal collection site to a consolidation facility, if the cost exceeds the current cost of transportation and disposal of an equivalent tonnage of that municipality's municipal solid waste; and
  - c. The Department of Environmental Protection for expenses it incurs for enforcement.

**Committee Amendment "A" (H-861)** was the majority report. The amendment proposed to replace the bill. The amendment proposed to establish a system to provide for the collection and recycling of computer monitors and televisions in the State.

Under the amendment, municipalities that choose to participate would be required to ensure that computer monitors and televisions generated as waste from households within their jurisdictions are delivered to a consolidation facility.

Beginning in 2006, consolidation facilities would be required to identify the manufacturer of computer monitors and televisions delivered to the facility and to transport those items to recycling and dismantling facilities.

Beginning in 2006, computer manufacturers and television manufacturers would be responsible for the handling and recycling of computer monitors and televisions that are received at consolidation facilities and must pay for the operational costs of the consolidation facilities attributable to the handling of computer monitors and televisions.

The amendment proposed to require manufacturers of computer monitors and televisions to submit plans for the collection and recycling of computer monitors and televisions. It also proposed to establish reporting requirements for manufacturers.

**Committee Amendment "B" (H-862)** was a minority report. The amendment proposed to replace the bill. The amendment proposed to provide that a manufacturer of computer monitors and televisions may implement and maintain its own collection and recycling system for computer monitors and televisions that it sells. Under the proposed amendment, if a manufacturer does not implement and maintain a collection system for the products it sells, a fee, as determined by the Commissioner of Environmental Protection, would be imposed on the retail sale of that manufacturer's computer monitors and televisions. A retailer would retain 3% of the fee as reimbursement for costs associated with the collection of the fee.

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Under the proposed amendment, a municipality would separate and identify computer monitors and televisions that are sold by a manufacturer that maintains its own collection and recycling system, transport those products to the manufacturer and document to the Department of Environmental Protection the products delivered. A municipality that chose to participate in this way would be eligible for reimbursement for certain expenses incurred related to the transportation of those products to the manufacturer or the manufacturer's consolidation facility. A municipality that did not choose to participate in this way would be required to otherwise provide for the disposal of computer monitors and televisions in accordance with all applicable federal, state and local laws.

Under the proposed amendment, a consolidation facility would be required to identify the number of computer monitors and televisions delivered to the facility and identify the products delivered that are sold by a manufacturer that maintains its own collection and recycling system. The facility must transport the products of a manufacturer that does not maintain its own collection and recycling system to a recycling and dismantling facility. The consolidation facility may invoice the State for the handling, transportation and recycling costs for the products of a manufacturer that does not maintain a collection and recycling system for its products. The consolidation facility may make arrangements with a manufacturer that maintains its own collection system for the expenses incurred by the facility in connection with that manufacturer's products that are delivered to the consolidation facility.

This amendment was not adopted.

**Senate Amendment "A" to Committee Amendment "A" (S-516)** proposed to make a correction to the date by which manufacturers must implement a plan for the collection and recycling of computer monitors and televisions. The amendment also proposed to direct the Department of Environmental Protection to adopt rules that identify the criteria that consolidation facilities must use when determining the reasonable operational costs that are attributable to the handling of computer monitors and televisions. The amendment also proposed to direct the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on whether the handling and recycling costs that are attributable to abandoned waste should be included in the reasonable operational costs of a consolidation facility.

**Senate Amendment "B" to Committee Amendment "A" (S-537)** proposed to correct the date by which manufacturers must implement a plan for the collection and recycling of computer monitors and televisions. The amendment also proposed to direct the Department of Environmental Protection to adopt major substantive rules that identify the criteria that consolidation facilities must use when determining the reasonable operational costs that are attributable to the handling of computer monitors and televisions. The amendment also proposed to direct the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on whether the handling and recycling costs that are attributable to abandoned waste should be included in the reasonable operational costs of consolidation facilities. The amendment also proposed to authorize the committee to report out legislation to implement the recommendations made in the department's report. This amendment was not adopted.

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

Public Law 2003, chapter 661 establishes a system to provide for the collection and recycling of computer monitors and televisions in the State. Under the law, municipalities that choose to participate must ensure that computer monitors and televisions generated as waste from households within their jurisdictions are delivered to a consolidation facility.

Beginning in 2006, consolidation facilities are required to identify the manufacturer of computer monitors and televisions delivered to the facility and to transport those items to recycling and dismantling facilities.

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Beginning in 2006, computer manufacturers and television manufacturers are responsible for the handling and recycling of computer monitors and televisions that are received at consolidation facilities and must pay for the operational costs of the consolidation facilities attributable to the handling of computer monitors and televisions.

Chapter 661 requires manufacturers of computer monitors and televisions to submit plans for the collection and recycling of computer monitors and televisions. It also establishes reporting requirements for manufacturers.

Chapter 661 also directs the Department of Environmental Protection to adopt rules that identify the criteria that consolidation facilities must use when determining the reasonable operational costs that are attributable to the handling of computer monitors and televisions. It also directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on whether the handling and recycling costs that are attributable to abandoned waste should be included in the reasonable operational costs of a consolidation facility.

**LD 1899**

**An Act To Amend the Dissolved Oxygen Standard for Class C Waters**

**PUBLIC 664**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-467
	OTP-AM MIN	

LD 1899 proposed to amend the dissolved oxygen standard and the bacteria standard for Class C waters.

**Committee Amendment "A" (S-467)** was the majority report. The amendment proposed to provide that dischargers to Class C waters that were issued final discharge licenses or water quality certificates prior to March 16, 2004 that are based on a 6.5 parts per million dissolved oxygen criterion must continue to be licensed using a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is lower. Under the proposed amendment, final discharge licenses and water quality certificates that were not previously based on a 6.5 parts per million dissolved oxygen criterion must, after March 15, 2004, be based on a 6.5 parts per million dissolved oxygen criterion at a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is lower.

**Committee Amendment "B" (S-468)** was the minority report. The amendment proposed to require all Class C waters to meet a 6.5 parts per million dissolved oxygen monthly average standard whenever the daily water temperature is equal to or less than 24 degrees centigrade or the ambient temperature of the water body, whichever is lower. This amendment was not adopted.

### *Enacted Law Summary*

Public Law 2003, chapter 664 amends the dissolved oxygen standard and the bacteria standard for Class C waters. It provides that dischargers to Class C waters that were issued final discharge licenses or water quality certificates prior to March 16, 2004 that are based on a 6.5 parts per million dissolved oxygen criterion must continue to be licensed using a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is lower. Final discharge licenses and water quality certificates that were not previously based on a 6.5 parts per million dissolved oxygen criterion must, after March 15, 2004, be based on a 6.5 parts per million dissolved oxygen