

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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Sen. Betheda G. Edmonds
Sen. W. Tom Sawyer, Jr.*

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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

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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).

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
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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

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critterion at a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is lower.

LD 1900

An Act To Implement the Recommendations of the Community Preservation Advisory Committee Regarding the State Planning Office's Review of Growth Management Programs

**PUBLIC 641
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	S-461
	OTP-AM B	
	OTP-AM C	

LD 1900 proposed to:

1. Clarify that growth management related financial aid contracts are allowed to extend beyond a single fiscal year;
2. Clarify that floodplain ordinances that comply with the Federal Flood Insurance Program are exempt from the requirement that ordinances must be consistent with a comprehensive plan;
3. Clarify that the term "under this subchapter" means consistency with the procedures, goals and guidelines established in the growth management law;
4. Provide that a comprehensive plan is valid for 15 years;
5. Amend notice requirements for follow-up public hearings that are held as a result of comments made at an initial public hearing;
6. Provide that the Executive Department, State Planning Office, if requested, may review certain ordinances to determine whether they are consistent with a comprehensive plan without requiring submission of all elements of a growth management program; and
7. Provide that an affirmative finding of consistency by the State Planning Office is required for a municipality to assert jurisdiction regarding state investments.

Committee Amendment "A" (S-461) was the majority report. It proposed that notice for any follow-up hearing concerning a proposed comprehensive plan for a municipality or multimunicipal region must be given as provided for in the Maine Revised Statutes, Title 1, section 406. It proposed to delete the requirement from the bill that a copy of proposed changes to a comprehensive plan must be available for public inspection at least 7 days prior to any follow-up hearing on the plan. It proposed to delete the requirement from the bill that a comprehensive plan is valid for 15 years. It also proposed to delete the provision in the bill that the State Planning Office makes the determination as to whether a zoning ordinance is consistent with a comprehensive plan for purposes of certain state development projects.

Committee Amendment "B" (S-462) was a minority report. It proposed to provide that only an initial public hearing on a proposed comprehensive plan must be posted at least 30 days before the hearing and that notice for