

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Natural Resources*

July 2006

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Maine State Legislature



Office of Policy and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second 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 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 (Pocket Veto).....	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 August 23, 2006.

Joint Standing Committee on Natural Resources

LD 141

An Act To Ensure Proper Disposal of Debris and Protection of the Environment

**PUBLIC 617
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ	S-573
TWOMEY	OTP-AM MIN	

LD 141, which was carried over from the First Regular Session, proposed to ban the disposal in a landfill or in an incineration facility of debris resulting from construction, remodeling, repair and demolition of structures unless the structure from which the debris originated is or was located in this State.

Committee Amendment "A" (S-508) proposed to replace the bill. The amendment proposed to limit, beginning January 1, 2007, the amount of wood from construction and demolition debris that may be substituted for conventional fuel in a boiler. Committee Amendment "A" was not adopted.

Committee Amendment "B" (S-509) proposed to replace the bill. The amendment proposed to establish moratoria on licenses to combust wood from construction and demolition debris and on licenses to process construction and demolition debris. Committee Amendment "B" was not adopted.

Committee Amendment "C" (S-573), the majority report, proposed to replace the bill. The amendment proposed to add an emergency preamble and clause. The amendment proposed to limit the amount of wood from construction and demolition debris that may be substituted for conventional fuel in a boiler. The amendment also proposed to require the Board of Environmental Protection to adopt specific rules regarding beneficial use of solid waste, transfer stations and storage sites for solid waste, water quality monitoring, leachate monitoring, waste characterization and processing facilities. The amendment proposed to require the Department of Environmental Protection to evaluate the feasibility of requiring best available control technology, source separation and state-of-the-art processing of construction and demolition debris and to evaluate the effects of allowing more than 50% of construction and demolition debris wood fuel to be combusted on an average annual basis. The amendment also proposed to require the department to submit reports and proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation relating to the reports.

Committee Amendment "D" (S-574), the minority report, proposed to replace the bill. The amendment proposed to establish moratoria on licenses to combust wood from construction and demolition debris and on licenses to process construction and demolition debris. Committee Amendment "D" was not adopted.

Enacted law summary

Public Law 2005, chapter 617 limits the amount of wood from construction and demolition debris that may be substituted for conventional fuel in a boiler. It also requires the Board of Environmental Protection to adopt specific rules regarding beneficial use of solid waste, transfer stations and storage sites for solid waste, water quality monitoring, leachate monitoring, waste characterization and processing facilities. It requires the Department of Environmental Protection to evaluate the feasibility of requiring best available control technology, source separation and state-of-the-art processing of construction and demolition debris. It requires the department to evaluate the effects of allowing more than 50% of construction and demolition debris wood fuel to be combusted on an average annual basis. It also requires the department to submit reports and authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation relating to the reports.

Joint Standing Committee on Natural Resources

Public Law 2005, chapter 617 was enacted as an emergency measure effective May 2, 2006.

LD 518 **An Act To Regulate Lead-smart Renovators and Lead Sampling Technicians** **ONTP**

<u>Sponsor(s)</u> DUPLESSIE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 518, which was carried over from the First Regular Session, proposed to amend the licensing, training and insurance requirements for contractors who engage in renovation or remodeling work that involves lead-based paint.

LD 852 **Resolve, To Require the Department of Environmental Protection to Undertake Phosphorus Control in Toothaker Pond in Phillips** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> SAVIELLO WOODCOCK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-192
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LD 852, which was carried over from the First Regular Session, proposed to direct the Department of Environmental Protection to clean up Toothaker Pond in Phillips.

Committee Amendment "A" (H-192) proposed to direct the Department of Environmental Protection to undertake phosphorus control in Toothaker Pond in Phillips and proposed to appropriate \$50,000 for that purpose.

LD 852 died on adjournment.

LD 1058 **An Act To Regulate the Use of Batteries Containing Mercury** **PUBLIC 509**

<u>Sponsor(s)</u> COWGER TWOMEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-483
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LD 1058, which was carried over from the First Regular Session, proposed to ban, after January 1, 2007, the sale in this State of novelties that contain batteries that contain mercury, such as light-up games, cards and adornments. In addition, this bill proposed to ban the disposal, after January 1, 2007, of button cell batteries in landfills and incinerators and to require that such batteries be packaged with information regarding proper disposal.

Committee Amendment "A" (S-483) proposed to replace the bill. The amendment would ban the sale, after June 30, 2011, of mercury-added button cell batteries and consumer products that contain mercury-added button