

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Natural Resources*

*August 2005*

**Members:**

*Sen. Scott W. Cowger, Chair  
Sen. John L. Martin  
Sen. Lois A. Snowe-Mello*

*Rep. Theodore S. Koffman, Chair  
Rep. Joanne T. Twomey  
Rep. Thomas B. Saviello  
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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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).

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:

- CARRIED OVER ..... Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

*Joint Standing Committee on Natural Resources*

LD 682

**An Act To Create a 5-year Statute of Limitations for Environmental Violations**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO GLYNN	ONTP MAJ OTP-AM MIN	

LD 682 proposed to require enforcement actions for violations of environmental laws to be brought by the Department of Environmental Protection or the Attorney General within 5 years of the date of the violation. This bill also proposed to delete provisions in the law that allow a penalty to be imposed for each day of a violation.

**Committee Amendment "A" (S-220)**, the minority report, proposed to require certain enforcement actions related to air emissions and wastewater discharges to be initiated by the Department of Environmental Protection or the Attorney General within the period of time that the licensee is required to retain records of that violation. This amendment was not adopted.

**LD 692**

**An Act To Require That Hazardous Waste Be Removed from Junked Vehicles**

PUBLIC 247

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	OTP-AM	S-186

LD 692, a concept draft pursuant to Joint Rule 208, would expand on the limitations on automobile graveyards, automobile recycling businesses and junkyard permits found in the Maine Revised Statutes, Title 30-A, section 3754-A. The proposed bill would require the removal of all hazardous waste from the junked vehicles.

**Committee Amendment "A" (S-186)** replaced the bill and proposed to:

1. Amend the operating standards for junkyards, automobile graveyards and automobile recycling businesses.
2. Require that logs be maintained of all motor vehicles handled by the facility.
3. Require that all fluids, refrigerant, batteries and mercury switches be removed from motor vehicles that are not operable, appliances and other items within 180 days of acquisition by a junkyard, automobile graveyard or automobile recycling business. Items acquired prior to October 1, 2005, however, would be required to have fluids, refrigerant, batteries and mercury switches removed by January 1, 2007.
4. Require that storage, recycling or disposal of materials comply with federal and state laws.
5. Require that all fluids, refrigerant, batteries and mercury switches be removed before crushing or shredding.
6. Provide that a municipality or county may reject an application for an automobile graveyard or automobile recycling business if the applicant has not demonstrated that certain provisions regarding storm water management have been complied with.

***Enacted law summary***

*Joint Standing Committee on Natural Resources*

Public Law 2005, chapter 247 amends the operating standards for junkyards, automobile graveyards and automobile recycling businesses. It requires that logs be maintained of all motor vehicles handled by the facility. It requires that all fluids, refrigerant, batteries and mercury switches be removed from motor vehicles that are not operable, appliances and other items within 180 days of acquisition by a junkyard, automobile graveyard or automobile recycling business. Items acquired prior to October 1, 2005, however, must have fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. It requires that storage, recycling or disposal of materials complies with federal and state laws. It requires that all fluids, refrigerant, batteries and mercury switches be removed before crushing or shredding. It also provides that a municipality or county may reject an application for an automobile graveyard or automobile recycling business if the applicant has not demonstrated that certain provisions regarding storm water management have been complied with.

**LD 790**                      **An Act To Establish the Maximum Height of a Dam on Phillips Lake**                      **P & S 17**

<u>Sponsor(s)</u> PERRY J BLANCHETTE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-117
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LD 790 proposed to authorize the Lucerne-in-Maine Village Corporation to maintain a dam on Phillips Lake so that the water level of the lake does not go higher than 227 feet above sea level.

**Committee Amendment "A" (S-117)** proposed to restrict the height of the dam on Phillips Lake to 227 feet above sea level and the width of the dam to no less than the current width.

*Enacted law summary*

Private and Special Law 2005, chapter 17 restricts the height of the dam on Phillips Lake to 227 feet above sea level and the width of the dam to no less than the current width.

**LD 818**                      **An Act To Specify Phosphorus Limits for Gulf Island Pond**                      **ONTP**

<u>Sponsor(s)</u> NUTTING J MAKAS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 818 proposed to specify standards for the cumulative discharge of phosphorus, both in terms of phosphorus and orthophosphorus, for licensed waste discharges into Gulf Island Pond. The bill would require the Department of Environmental Protection to deny or reissue all expired licenses for continuation of waste discharges contributing phosphorus to Gulf Island Pond by November 15, 2005. Each licensee found to contribute to nonattainment of the standards contained in the bill would provide for phosphorus reductions so the standards are met within the 5-year license period. Alternatively, the bill proposed to allow the department to specify a standard based upon an EPA-approved total maximum daily load that does not cause algae blooms in Gulf Island Pond.