

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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Rep. James D. Annis
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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 1268

**An Act To Amend the Law on Junkyards, Automobile Graveyards
and Automobile Recycling Businesses**

PUBLIC 424

<u>Sponsor(s)</u> COWGER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-156 S-163 STRIMLING
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LD 1268 proposed to clarify municipally administered junkyard, automobile graveyard and automobile recycling business law under the Maine Revised Statutes, Title 30-A, chapter 183, subchapter 1 in follow-up to the comprehensive changes enacted by Public Law 2003, chapter 312.

Committee Amendment "A" (S-156) proposed to keep the automobile hobbyist exemption in the laws governing automobile graveyards and amend the exemption to provide that municipal ordinances may require areas that are used for hobbyist activities to comply with screening requirements and certain environmental standards. The proposed amendment also would strike a reference to automobile recycling businesses in the operating standards for junkyards and automobile graveyards.

Senate Amendment "A" (S-163) was presented on behalf of the Committee on Bills in the Second Reading to correct an amending clause.

Senate Amendment "B" (S-329) proposed to remove the provision that requires municipal officers or county commissioners to provide written or electronic notice of a hearing to revoke or suspend a permit for an automobile graveyard, automobile recycling business or junkyard to the automobile dealer licensing section of the Department of the Secretary of State, Bureau of Motor Vehicles at least 7 days before the hearing. This amendment was not adopted.

Enacted law summary

Public Law 2005, chapter 424 clarifies municipally administered junkyard, automobile graveyard and automobile recycling business law under the Maine Revised Statutes, Title 30-A, chapter 183, subchapter 1 in follow-up to the comprehensive changes enacted by Public Law 2003, chapter 312.

Chapter 424 does the following:

1. It amends the hobbyist exemption in the definition of automobile graveyard to provide that municipal ordinances may require areas that are used for hobbyist activities to comply with screening requirements and certain environmental standards.
2. It allows municipal officers or county commissioners to give electronic notice of applications for a new automobile graveyard or recycling business to the Secretary of State.
3. It clarifies that towns or counties are not required to undertake ground water studies whenever a permit renewal application is filed. Instead, it prohibits municipal officials or county commissioners from renewing a permit if there is substantial, credible evidence that the permitted activities have caused contamination of the well.

Joint Standing Committee on Natural Resources

4. It amends the operating standards for automobile graveyards and junkyards to require that a facility seeking a permit must be actively engaged in the business of salvaging, recycling, dismantling, processing, repairing or rebuilding junk or vehicles for the purpose of sale or trade.
5. It authorizes towns and counties to issue permits to automobile graveyards and junkyards if they meet certain operating standards.
6. It provides that the operating standards set out in current law are conditions of each permit issued.
7. It adds to the cost of a permit for a graveyard or junkyard the cost of posting and publishing notice of hearing that a town or county must provide.
8. It requires towns or counties to provide notice of hearing to the Bureau of Motor Vehicles regarding hearings for revocation or suspension of a permit.

LD 1304

An Act Concerning Invasive Species and Water Quality Standards

PUBLIC 182

Sponsor(s)
SAVIELLO

Committee Report
OTP-AM

Amendments Adopted
H-245

LD 1304 proposed to amend water quality standards to allow the Department of Environmental Protection to approve aquatic chemical or pesticide discharges for the purpose of restoring biological communities affected by invasive species, for Class AA, A, B and C waters, for tributaries to GPA waters and in drainage areas of less than 10 square miles. It proposed to add similar authority for GPA waters and proposed to clarify text. It proposed to allow the Department of Environmental Protection to approve a chemical treatment to waters with a drainage area of less than 10 miles for the purpose of restoring water quality in GPA waters and it proposed to add a definition of "invasive species" to the water classification program.

Committee Amendment "A" (H-245) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 182 amends water quality standards to allow the Department of Environmental Protection to approve aquatic chemical or pesticide discharges for the purpose of restoring biological communities affected by invasive species, for Class AA, A, B and C waters, for tributaries to GPA waters and in drainage areas of less than 10 square miles. It adds similar authority for GPA waters and clarifies text. It allows the Department of Environmental Protection to approve a chemical treatment to waters for the purpose of restoring water quality in GPA waters. It also adds a definition of "invasive species" to the water classification program.

LD 1327

An Act To Prohibit the Use of Mercury Fillings

CARRIED OVER

Sponsor(s)
MARTIN

Committee Report

Amendments Adopted