

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.

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cell batteries. It also would direct the Department of Environmental Protection to report, by January 15, 2009, on the state of the technology of mercury-free button cell batteries.

Enacted law summary

Public Law 2005, chapter 509 bans the sale, after June 30, 2011, of mercury-added button cell batteries and consumer products that contain mercury-added button cell batteries. It also directs the Department of Environmental Protection to report, by January 15, 2009, on the state of the technology of mercury-free button cell batteries.

LD 1327

An Act To Prohibit the Use of Mercury Fillings

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	ONTP	

LD 1327, which was carried over from the First Regular Session, proposed to require the elimination of mercury in dental offices over a 3-year period. The bill also proposed to require dental schools to include in their curricula by January 2006 the risks of exposure to mercury. The bill also proposed to require a dental office to post in the office the disclosure statement published by the Department of Health and Human Services, Bureau of Health on the risks of having mercury fillings.

LD 1338

Resolve, To Require the Reporting of Mercury Amalgam Supplied to Dentists

RESOLVE 143

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM A OTP-AM B ONTP C	S-477

LD 1338, which was carried over from the First Regular Session, proposed to require the elimination of mercury in dental offices over a 3-year period. The bill also proposed to require dental schools to include in their curricula by January 2006 the risks of exposure to mercury. It also proposed to require a dental office to post in the office the disclosure statement published by the Department of Health and Human Services, Bureau of Health on the risks of having mercury fillings. It also proposed to require the Department of Environmental Protection to develop an education, outreach and assistance program for dentists and to require dentists to file an annual report with the department describing the quantities of mercury amalgam purchased, used and recycled from dry sources and wet sources. It also proposed to require the Department of Environmental Protection to establish rules for dental offices to limit mercury releases and to establish a penalty in the amount of not less than \$10,000 nor more than \$100,000 for a violation. It also proposed to require the Department of Environmental Protection to conduct a septic system study concerning the impact of dental mercury releases in rural areas.

Committee Amendment "A" (S-477), the majority report, proposed to replace the bill with a resolve. The amendment proposed to require any person that supplies mercury amalgam to dentists in Maine to report to the Department of Environmental Protection for 3 years the volume of amalgam supplied. The amendment also

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proposed to require the department, in consultation with the Board of Dental Examiners, to annually report to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

Committee Amendment "B" (S-478), a minority report, proposed to ban the use of mercury fillings in children under 6 years of age and pregnant women beginning in 2007 and in all individuals beginning in 2008. Committee Amendment "B" was not adopted

Enacted law summary

Resolve 2005, chapter 143 requires any person that supplies mercury amalgam to dentists in Maine to report to the Department of Environmental Protection the volume of amalgam supplied. The reports must be submitted annually for 3 years. It also requires the department, in consultation with the Board of Dental Examiners, to annually report to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

LD 1535

An Act Making Improvements to the Laws Regarding Local Land Use Ordinances

PUBLIC 597

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM A	H-832
BROMLEY	OTP-AM B	
	ONTP C	

LD 1535, which was carried over from the First Regular Session, proposed to broaden and update the findings and purposes sections of the planning and land use control law to explicitly recognize that planning and land use regulation is a shared responsibility of State Government and local government. The bill also proposed to make changes in definitions of relevant terms and to rewrite the laws on rate of growth ordinances and clarify when rate of growth ordinances are allowed.

Committee Amendment "A" (H-832), the majority report, proposed to authorize a municipality to enact a rate of growth ordinance if the ordinance is consistent with a comprehensive plan, sets the number of permits allowed under the ordinance at a minimum of 105% of the mean number of permits issued during the prior 10 years and sets the number of permits allowed for affordable housing. It also proposed to require the number of permits allowed to be recalculated every 3 years and to make the law effective July 1, 2007.

Committee Amendment "B" (H-833), a minority report of the committee, proposed to authorize a municipality to enact one rate of growth ordinance in a 10-year period. It also proposed that the ordinance could not be for a term of more than 3 years and could not be extended. It also proposed that a municipality that has a rate of growth ordinance in effect on the effective date of this Act would not be required to wait 7 years before adopting another ordinance but could enforce the municipality's ordinance for up to 3 years after the effective date of this Act. The amendment also proposed to designate an effective date of July 1, 2007. Committee Amendment "B" was not adopted.

House Amendment "A" (H-966) proposed to strike the application section of the bill. House Amendment "A" was not adopted.

Enacted law summary