

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. Robert S. Duchesne
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Rep. James D. Annis
Rep. Kimberley C. Rosen*

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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 1327 proposes to require the elimination of mercury in dental offices over a 3-year period and to require dental schools to include in their curricula by January 2006 the risks of exposure to mercury. The bill also proposes 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 1327 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

LD 1338 An Act To Limit Human Exposure to Mercury CARRIED OVER

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|----------------------------|--|-------------------------|--|---------------------------|
| <u>Sponsor(s)</u> DAMON | | <u>Committee Report</u> | | <u>Amendments Adopted</u> |
|----------------------------|--|-------------------------|--|---------------------------|

LD 1338 proposes to:

1. Require the elimination of mercury in dental offices over a 3-year period;
2. Require dental schools to include in their curricula by January 2006 the risks of exposure to mercury;
3. 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;
4. Require the Department of Environmental Protection to develop an education, outreach and assistance program for dentists;
5. 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;
6. Require the Department of Environmental Protection to establish rules for dental offices to limit mercury releases;
7. Establish a penalty in the amount of not less than \$10,000 nor more than \$100,000 for a violation; and
8. Require the Department of Environmental Protection to conduct a septic system study concerning the impact of dental mercury releases in rural areas.

LD 1338 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

LD 1408 Resolve, Directing the Air Toxics Advisory Committee To Review RESOLVE 84
the Status of Toxic Emissions from Waste-to-energy Facilities in
the State and Recommend Actions Aimed at Reducing and
Monitoring These Emissions

| | | | | |
|---------------------------------------|--|-----------------------------------|--|------------------------------------|
| <u>Sponsor(s)</u> KAELIN WESTON | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> H-374 |
|---------------------------------------|--|-----------------------------------|--|------------------------------------|

Joint Standing Committee on Natural Resources

LD 1408 proposed to require the Department of Environmental Protection to provide data to the Air Toxics Advisory Committee that includes information on direct and indirect emissions of hazardous air pollutants from Maine's 4 waste-to-energy facilities. The proposed resolve would also require the Department of Environmental Protection to form a subcommittee of the Air Toxics Advisory Committee to consider the toxicity-weighted emissions from waste-to-energy facilities and potential strategies for reducing toxic air emissions. The Commissioner of Environmental Protection would be required to submit a report to the Joint Standing Committee on Natural Resources by February 15, 2006.

Committee Amendment "A" (H-374) proposed to remove the requirement that the subcommittee created in the resolve consider potential strategies for reducing toxic air emissions and the need for internal and external monitoring systems. It also proposed to change the purpose of the subcommittee from considering toxicity-weighted emissions to considering toxic and other emissions from waste-to-energy facilities.

Enacted law summary

Resolve 2005, chapter 84 requires the Department of Environmental Protection to provide data to the Air Toxics Advisory Committee that includes information on emissions of hazardous air pollutants from Maine's 4 waste-to-energy facilities. The resolve also requires the Department of Environmental Protection to form a subcommittee of the Air Toxics Advisory Committee to consider the toxic and other emissions from waste-to-energy facilities. The Commissioner of Environmental Protection shall submit a report to the Joint Standing Committee on Natural Resources by February 15, 2006.

LD 1428 **An Act To Modernize Regulation of Sand and Gravel Pits** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| LERMAN MITCHELL | ONTP | |

LD 1428 proposed to provide that beginning December 1, 2005, excavations that are currently licensed under the site location of development law must be licensed under the borrow pit law. It also proposed to require the Department of Environmental Protection to require a bond or security to ensure compliance with the law. It also proposed to provide that if a performance standard in the borrow pit law is amended, the Department of Environmental Protection may allow owners and operators up to 5 years to meet the new standard. It also proposed to require notice of intent to transfer the ownership or operation of an excavation to be provided to the Department of Environmental Protection. It also proposed to direct the Board of Environmental Protection to adopt rules to address the issue of repeat violations by an owner or operator of an excavation.

LD 1450 **An Act To Amend Water Quality Standards** **PUBLIC 409
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MARTIN | OTP-AM | S-291 S-315 COWGER |

LD 1450 proposed to amend the bacteria standard for class B, C, SB and SC waters and remove a reference to an out-of-date manual. The bill also proposed to make corrections to and clarify changes in the dissolved oxygen standard that was enacted in the previous session.