

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 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.

Joint Standing Committee on Natural Resources

Committee Amendment "A" (S-291) proposed to do the following:

1. Require the Department of Environmental Protection to supervise additional modeling of Gulf Island Pond in order to revise the total maximum daily load for phosphorus;
2. Provide for a study that evaluates the operations of Gulf Island Pond dam and the dam's impact on algae blooms;
3. Authorize the Department of Environmental Protection to enter into agreements with licensees;
4. Direct the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 2006 and annually until 2011;
5. Authorize the committee to report out legislation to any session of the Legislature; and
6. Add an emergency preamble and emergency clause.

House Amendment "A" (H-635) proposed to provide that the 30-day average dissolved oxygen criterion of a Class C water is 6.5 parts per million.

Senate Amendment "A" to Committee Amendment "A" (S-315) proposed to provide that the Department of Environmental Protection may review and, as appropriate, revise the total maximum daily load for phosphorus. The amendment also proposed to replace the portion of the amendment dealing with backsliding with a provision that requires compliance with anti-backsliding requirements in state and federal law. This amendment also proposed to provide that it is the intent of the Legislature that dischargers shall make continuous progress in actual effluent reductions towards reaching final allocations under the total maximum daily load allocations in existence on the effective date of the bill or as revised under the bill to March 15, 2010.

Enacted law summary

Public Law 2005, chapter 409 does the following:

1. It requires certain Class C waters to meet a 6.5 parts per million dissolved oxygen 30-day average standard using a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is lower. It requires other Class C waters to meet a 6.5 parts per million dissolved oxygen standard as a 30-day average based on a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is lower;
2. It requires the Department of Environmental Protection to supervise additional modeling of Gulf Island Pond in order to revise the total maximum daily load for phosphorus;
3. It provides for a study that evaluates the operations of Gulf Island Pond dam and the dam's impact on algae blooms;
4. It authorizes the Department of Environmental Protection to enter into agreements with licensees and water quality certificate holders;

Joint Standing Committee on Natural Resources

- 5. It directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 2006 and annually until 2011 and authorizes the committee to report out legislation to any session of the Legislature; and
- 6. It amends the bacteria standard for class B, C, SB and SC waters. For Class B and C waters it changes the numerical standards. For Class B, C, SB and SC waters it adds standards for E-coli bacteria of domestic animal origin. It also removes a reference to an out-of-date manual.

Public Law 2005, chapter 409 was enacted as an emergency measure effective June 20, 2005.

LD 1465 **Resolve, Regarding Legislative Review of Portions of Chapter 127: New Motor Vehicle Emission Standards, a Major Substantive Rule of the Bureau of Air Quality** **RESOLVE 66 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-361
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LD 1465 proposed to provide for legislative review of portions of Chapter 127: New Motor Vehicle Emission Standards, a major substantive rule of the Department of Environmental Protection, Bureau of Air Quality.

Committee Amendment "A" (H-361) proposed to authorize the final adoption of portions of Chapter 127: New Motor Vehicle Emission Standards, a provisionally adopted major substantive rule of the Department of Environmental Protection, Bureau of Air Quality that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain enumerated changes are made to the rule.

Enacted law summary

Resolve 2005, chapter 66 authorizes the final adoption of portions of Chapter 127: New Motor Vehicle Emission Standards, a provisionally adopted major substantive rule of the Department of Environmental Protection, Bureau of Air Quality that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain enumerated changes are made to the rule.

Resolve 2005, chapter 66 was finally passed as an emergency measure effective May 31, 2005.

LD 1466 **An Act To Amend the Law Governing Spill Prevention Control and Countermeasure Regulation of Oil Storage Facilities** **PUBLIC 212**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-316
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LD 1466 proposed to eliminate the repeal date in the law that authorizes the Department of Environmental Protection to enforce federal spill prevention and control regulations at certain aboveground oil storage facilities.

Committee Amendment "A" (H-316) proposed to require the Commissioner of Environmental Protection to biennially report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the activities undertaken by the department regarding oil storage facility spill prevention control. The