

# 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  
Rep. Judd D. Thompson  
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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.

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- 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

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proposed amendment would require the first report, due January 15, 2006, to include an evaluation and recommendations regarding financial consequences for noncompliance with the laws regarding spill prevention control.

### ***Enacted law summary***

Public Law 2005, chapter 212 eliminates 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. It also requires 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 first report is due January 15, 2006 and must include an evaluation and recommendations regarding financial consequences for noncompliance with the laws regarding spill prevention control.

**LD 1489**                      **An Act To Establish Citizen Ownership of Maine's Groundwater**                      **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1489 proposed to provide that groundwater is a public natural resource owned by all the citizens of this State and that the citizens of this State have the right to regulate the extraction and use of groundwater.

**LD 1497**                      **An Act To Amend the Laws Governing Water Quality Standards for Ragged and Seboomook Lakes**                      **PUBLIC 159**

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-154
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LD 1497 proposed to amend the laws governing the water quality standards for aquatic life and habitat for Ragged Lake and Seboomook Lake, located in the Penobscot River, West Branch drainage.

**Committee Amendment "A" (S-154)** proposed to clarify that Class C aquatic life standards must be met in Ragged and Seboomook Lakes except that habitat and aquatic life in the portions of the waters affected by the drawdown of these lakes may reflect the effects of the drawdowns, based on a use attainability analysis conducted by the Board of Environmental Protection.

### ***Enacted law summary***

Public Law 2005, chapter 159 amends the laws governing the water quality standards for aquatic life and habitat for Ragged Lake and Seboomook Lake, located in the Penobscot River, West Branch drainage. It provides that Class C aquatic life standards must be met in Ragged and Seboomook Lakes except that habitat and aquatic life in the portions of the waters affected by the drawdown of these lakes may reflect the effects of the drawdowns, based on a use attainability analysis conducted by the Board of Environmental Protection.