

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
Rep. Robert S. Duchesne
Rep. Jane E. Eberle
Rep. Robert A. Daigle
Rep. Henry L. Joy
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

- E. It changes the date that the department must begin providing manufacturers of television and computer monitors with a listing of their pro rata share of the waste stream;
- F. It allows manufacturers of covered electronics to revise their plans for collecting and recycling the electronics as needed in response to changing circumstances; and
- G. It makes the manufacturer of covered electronics liable for costs incurred by the State as a result of the manufacturer's failure to reimburse the costs of recycling covered electronics.

LD 1592

An Act Regarding Disposal of Dredged Materials

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

LD 1592 proposes to remove the provision in current law that exempts holders of a permit issued under the United States Clean Water Act, Public Law 92-500, Section 404 from obtaining a waste discharge license for the disposal of dredged materials into waters of the State. It also proposes to require coastal municipalities to develop a plan for the disposal of dredge spoils. LD 1592 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

LD 1633

An Act To Prohibit the Disposal of Dangerous and Unsafe Material in Solid Waste Facilities

**PUBLIC 406
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

DAIGLE
COWGER

OTP-AM MAJ
OTP-AM MIN

H-551
H-622 MILLS J

LD 1633 proposed to make it a Class E crime to knowingly conceal dangerous or unsafe material and dispose of that material in a solid waste facility.

Committee Amendment "A" (H-551), the majority report, proposed to provide that rules adopted by the Department of Environmental Protection to define "dangerous or unsafe material" are routine technical rules. It also proposed to clarify the definition of "dangerous or unsafe material."

Committee Amendment "B" (H-552), the minority report, proposed to direct the Department of Environmental Protection to develop an educational outreach effort for the purpose of educating the public on the proper disposal of propane tanks and other dangerous materials. This amendment was not adopted.

House Amendment "A" (H-622) proposed to change the penalty for concealing or disposing dangerous or unsafe material from a Class E crime to a civil violation.

Enacted law summary

Joint Standing Committee on Natural Resources

Public Law 2005, chapter 406 makes it a civil violation to knowingly conceal dangerous or unsafe material and dispose of that material in a solid waste facility.

Public Law 2005, chapter 406 was enacted as an emergency measure effective June 17, 2005.

LD 1643 **An Act To Clarify and Harmonize State Policy on Groundwater Management** PUBLIC 452

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE COWGER	OTP-AM	H-547 H-711 DUPLESSIE

LD 1643 proposed to direct the Department of Conservation, the Department of Environmental Protection and the Department of Health and Human Services, when permitting groundwater withdrawals, to consider the effect of the proposed withdrawal on water-related natural resources and existing uses and the effect when considered in combination with existing water withdrawals. It further proposed to direct those departments and the Maine Land Use Regulation Commission to develop consistent review criteria for groundwater withdrawal applications by January 1, 2006 and to submit a report to the Governor and Legislature summarizing this effort. The Department of Environmental Protection and the Department of Health and Human Services, the Maine Land Use Regulation Commission and the Maine Geological Survey would be directed to review application fees to ensure that they adequately reflect the true cost of review. The Land and Water Resources Council would be directed to undertake a comprehensive study of state groundwater regulations. The purpose of the study would be to identify any further changes in state law needed to ensure a consistent, integrated and scientifically sound state policy with regard to groundwater withdrawal. The bill proposed to direct the Land and Water Resources Council to report its findings to the Legislature by January 15, 2007. It also proposed to direct those agencies to adopt any major substantive rules recommended by the Land and Water Resources Council by March 15, 2007.

Committee Amendment "A" (H-547) proposed to strike from the bill certain determinations that the Department of Health and Human Services would need to make in order for a new source of water supply to be approved. The proposed amendment would also designate rules to establish a consistent approach to the review of hydrogeological issues and to adjust permit fees as major substantive rules. It also proposed to change the structure of the work group that is formed to study state regulation of groundwater withdrawal and modify the issues that the work group is directed to consider.

House Amendment "A" to Committee Amendment "A" (H-711) proposed to bring Part C of the bill into conformity with the Joint Rules and Standards for Legislative Studies adopted by the Legislative Council.

Enacted law summary

Public Law 2005, chapter 452 directs the Maine Land Use Regulation Commission, the Department of Environmental Protection and the Department of Health and Human Services, when permitting groundwater withdrawals, to consider the effect of the proposed withdrawal on water-related natural resources and existing uses and the effect when considered in combination with existing water withdrawals. It further directs those agencies to develop consistent review criteria for groundwater withdrawal applications by January 1, 2006 and to submit a report to the Governor and Legislature summarizing this effort. The Department of Environmental Protection, the Department of Health and Human Services, the Maine Land Use Regulation Commission and the Maine Geological Survey are directed to review application fees to ensure that they adequately reflect the true