

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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LD 1669

Resolve, To Authorize Certain Host Community Benefits Relative to a Landfill in the City of Old Town Owned by the State

ONTP

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

LD 1669, which was carried over from the First Regular Session, proposed to require the operator of the West Old Town Landfill to enter into a host community agreement with the City of Old Town on terms and conditions that were at least as favorable to the City of Old Town as the terms and conditions of the host community benefits described or detailed in the documents in the operator's bid in response to the request for proposals. The host community agreement would include provisions for a payment in lieu of taxes.

LD 1768

An Act To Prevent Motor Fuel Spills from Aboveground Storage Tanks That Have Underground Piping

PUBLIC 491

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DUCHESNE	OTP-AM MAJ ONTP MIN	S-462

LD 1768 proposed to require aboveground motor fuel storage tanks that have underground piping to be registered with the Department of Environmental Protection, assessed an annual \$35 registration fee and inspected annually in the same manner as is currently required for underground oil storage tanks. The bill also proposed to require that, beginning January 1, 2011, underground piping installed at an aboveground motor fuel storage facility before June 24, 1991 meet the same leak detection requirements that apply to piping installed after that date.

Committee Amendment "A" (S-462), the majority report of the committee, proposed to delay until 2009 the effective date of the bill's requirements for tanks and piping at facilities that are used to store diesel fuel. The amendment also proposed to give the Commissioner of Environmental Protection the authority to approve the use of leak detection methods for underground piping at aboveground oil storage facilities even though the approved method may differ from that required under the board rules for underground oil storage facilities.

Enacted law summary

Public Law 2005, chapter 491 provides that aboveground storage tanks that have underground piping that store motor fuel must:

1. By January 1, 2007 register the facility with the commissioner, and be subject to an annual \$35 registration fee.
2. By July 1, 2007 and annually thereafter ensure that the underground piping is inspected by a state certified inspector or installer.
3. Prior to sale or transfer of the facility, the owner must notify the purchaser that there is underground piping and that registration with DEP is required.

Joint Standing Committee on Natural Resources

4. By January 1, 2011, underground piping installed at an aboveground motor fuel storage facility before June 24, 1991 must meet the same requirements that apply to piping installed after that date.

Chapter 491 also delays until 2009 the effective date of the law’s requirements for tanks and piping at facilities that are used to store diesel fuel. It also gives the Commissioner of Environmental Protection the authority to approve the use of leak detection methods for underground piping at aboveground oil storage facilities even though the approved method may differ from that required under the board rules for underground oil storage facilities.

LD 1774 **An Act To Improve the Water Quality and Safety of Phillips Lake** **P & S 44
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM MAJ	S-484
HALL	OTP-AM MIN	

LD 1774 proposed to remove the height restriction for the dam at the outlet of Phillips Lake.

Committee Amendment "A" (S-484), the majority report, proposed to provide that a water level regime for Phillips Lake can be established by the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, chapter 5, subchapter 1, article 3-A, subarticle 4.

Committee Amendment "B" (S-485), the minority report, proposed to repeal the requirement that the dam at the outlet at the north end of Phillips Lake in the Town of Dedham be constructed, operated and maintained at no higher than 227 feet above sea level and at a width that is no less than the current width of the dam. Committee Amendment "B" was not adopted.

Enacted law summary

Private and Special Law 2005, chapter 44 provides that a water level regime for Phillips Lake in the Town of Dedham can be established by the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, chapter 5, subchapter 1, article 3-A, subarticle 4.

Private and Special Law 2005, chapter 44 was enacted as an emergency measure effective March 30, 2006.

LD 1777 **Resolve, To Establish a Blue Ribbon Commission on Solid Waste Management** **RESOLVE 207
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	S-545
KOFFMAN		S-623 GAGNON

LD 1777 proposed to direct the Department of Environmental Protection to meet with all interested stakeholders and the Executive Department, State Planning Office and provide a report to the joint standing committee of the