

# 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](http://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.

## *Joint Standing Committee on Natural Resources*

Legislature have jurisdiction over natural resources matters by January 17, 2007, which may report out legislation to consolidate the management of solid waste in this State under the Department of Environmental Protection.

**Committee Amendment "A" (S-545)** proposed to replace the resolve. The amendment proposed to establish the Blue Ribbon Commission on Solid Waste Management to undertake a comprehensive study of solid waste management in this State.

**Senate Amendment "A" to Committee Amendment "A" (S-623)** proposed to change the funding mechanism for the Blue Ribbon Commission.

### *Enacted law summary*

Resolve 2005, chapter 207 establishes the Blue Ribbon Commission on Solid Waste Management to undertake a comprehensive study of solid waste management in this State.

Resolve 2005, chapter 207 was enacted as an emergency measure effective May 4, 2006.

### **LD 1792**

### **An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats**

**PUBLIC 558**

Sponsor(s)  
MARTIN  
KOFFMAN

Committee Report  
OTP-AM

Amendments Adopted  
S-533

LD 1792 proposed to require that beginning January 1, 2007 manufacturers of thermostats containing mercury that are sold in this State pay a minimum of \$5 for each thermostat containing mercury brought to a state-approved collection site. It also proposed to require that manufacturers of thermostats containing mercury that are sold in this State report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the fees imposed and to the Department of Environmental Protection on the results of the thermostat collection and recycling efforts.

**Committee Amendment "A" (S-533)** proposed to replace the bill. The amendment proposed to require manufacturers of mercury-added thermostats to individually or collectively provide for the collection and recycling of out-of-service mercury-added thermostats. It proposed to require the Department of Environmental Protection to develop a manufacturer financial incentive plan and it proposed to ban the sale of all thermostats of a manufacturer that is not in compliance with the law. It also proposed to set goals for the collection and recycling of mercury-added thermostats and to require the department to annually report to the joint standing committee of the Legislature having jurisdiction over natural resources.

### *Enacted law summary*

Public Law 2005, chapter 558 requires manufacturers of mercury-added thermostats to individually or collectively provide for the collection and recycling of out-of-service mercury-added thermostats. It requires the Department of Environmental Protection to develop a manufacturer financial incentive plan. It bans the sale of all thermostats of a manufacturer that is not in compliance with the law. It sets goals for the collection and recycling of mercury-added thermostats. It requires the department to annually report to the joint standing committee of the

## *Joint Standing Committee on Natural Resources*

Legislature having jurisdiction over natural resources matters and it authorizes that committee to report out legislation in connection with the 2007 report.

**LD 1795**                      **An Act To Ensure the Long-term Capacity of Municipal Landfills**                      **PUBLIC 612**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER KOFFMAN	OTP-AM    MAJ ONTP      MIN	S-539

LD 1795 proposed to authorize a municipality to enter into a contract with a private entity to operate a municipal solid waste facility as long as the municipality controls the decisions regarding the type and source of waste that is accepted and the municipality accepts only waste that is generated within the State. The bill proposed to specify that, upon the sale or transfer of a municipal solid waste facility to a private entity, the license issued by the department for that solid waste facility is terminated. This bill also proposed to ban the disposal in a solid waste facility owned by a municipality of waste that originated outside the State.

**Committee Amendment "A" (S-539)**, the majority report, proposed to replace the bill. It proposed to provide that publicly owned solid waste landfills are exempt from the definition of "commercial solid waste disposal facility" if until January 1, 2007 the facility accepts only waste that is generated within the State. It proposed to provide that "waste that is generated within the State" includes residue and bypass waste generated within the State. It proposed to define "bypass" waste. It proposed to specify that the department may not approve the transfer of an existing license of a municipal solid waste disposal facility to a private entity. It proposed to specify legislative findings.

### *Enacted law summary*

Public Law 2005, chapter 612 provides that until January 1, 2007 publicly owned solid waste landfills are exempt from the definition of "commercial solid waste disposal facility" if the facility accepts only waste that is generated within the State. It provides that "waste that is generated within the State" includes residue and bypass waste generated within the State. It defines "bypass" waste. It specifies that the department may not approve the transfer of an existing license of a municipal solid waste disposal facility to a private entity. It specifies legislative findings.

**LD 1802**                      **Resolve, To Give the Town of Pownal Additional Time To Comply with the Subdivision Laws**                      **RESOLVE 145  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS WEBSTER	OTP-AM	S-470 S-474 COWGER

LD 1802 proposed to provide that a municipality that has adopted a comprehensive plan may enforce an ordinance that defines "subdivision" as the creation of 2 or more lots within a 5-year period.

**Committee Amendment "A" (S-470)** proposed to replace the bill with a resolve. It proposed to provide that the Town of Pownal may enforce an ordinance that defines "subdivision" as the creation of 2 or more lots within a 5-