

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Natural Resources*

July 2006

Staff:

Susan Z. Johannesman, Legislative Analyst

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

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. Judd D. Thompson
Rep. Robert S. Duchesne
Rep. Jane E. Eberle
Rep. Walter A. Wheeler, Sr.
Rep. Robert A. Daigle
Rep. Henry L. Joy
Rep. James D. Annis
Rep. Kimberley C. Rosen*

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.

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	OTP-AM MAJ	S-539
KOFFMAN	ONTP MIN	

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	OTP-AM	S-470
WEBSTER		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-

Joint Standing Committee on Natural Resources

year period as long as the definition was enacted prior to July 25, 1992 and the municipality filed its definition, which conflicts with the definition of "subdivision" in the Maine Revised Statutes, at the registry of deeds by June 30, 2003 as required by the Maine Revised Statutes, Title 30-A, section 4401, subsection 4, paragraph H-1. The purpose of this amendment is to give the Town of Pownal until January 1, 2008 to explore options for establishing a review process for the creation of single residential lots using criteria determined by the town.

Senate Amendment "A" to Committee Amendment "A" (S-474) proposed to add to the resolve an emergency preamble and emergency clause, which were inadvertently removed by Committee Amendment "A".

Enacted law summary

Resolve 2005, chapter 145 provides that the Town of Pownal may enforce an ordinance that defines "subdivision" as the creation of 2 or more lots within a 5-year period as long as the definition was enacted prior to July 25, 1992 and the municipality filed its definition, which conflicts with the definition of "subdivision" in the Maine Revised Statutes, at the registry of deeds by June 30, 2003 as required by the Maine Revised Statutes, Title 30-A, section 4401, subsection 4, paragraph H-1. The purpose of this amendment is to give the Town of Pownal until January 1, 2008 to explore options for establishing a review process for the creation of single residential lots using criteria determined by the town.

Resolve 2005, chapter 145 was enacted as an emergency measure effective March 28, 2006.

LD 1840

Resolve, To Study the Recycling of Cellular Telephones

RESOLVE 144

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BABBIDGE	OTP-AM	H-800

LD 1840 proposed to require a retail establishment that sells cellular telephones to accept used cellular telephones for reuse, recycling or proper disposal of hazardous parts of the telephone.

Committee Amendment "A" (H-800) proposed to replace the bill with a resolve. The amendment proposed to direct the Department of Environmental Protection to report on the effectiveness of current cellular telephone recycling collection programs in the State. It also proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 123rd Legislature.

Enacted law summary

Resolve 2005, chapter 144 directs the Department of Environmental Protection to report on the effectiveness of current cellular telephone recycling collection programs in the State. It also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 123rd Legislature.