

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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Sen. John L. Martin
Sen. Lois A. Snowe-Mello*

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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 1860

An Act Concerning Certain Provisions Regarding Protection of Natural Resources Related to Activities in Coastal Areas

**PUBLIC 548
EMERGENCY**

<u>Sponsor(s)</u> KOFFMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-842
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LD 1860 proposed to repeal a provision in the Maine Revised Statutes, Title 38, section 480-E, subsection 9 that prohibits the Department of Environmental Protection from denying a permit for reconstruction of a structure solely because the structure is located in a V-Zone designated after January 1, 1999 by the Federal Emergency Management Agency for the National Flood Insurance Program. It also proposed to clarify certain emergency actions that may be taken without a permit, if specified criteria are met, when the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened by specifying that protective materials may be left in place to shore up a structure no more than 18 months and by providing that actions taken to strengthen structures must be limited to those necessary to alleviate the imminent threat. Also, the bill proposed to expand the list of those persons authorized to make determinations concerning the integrity of a structure.

Committee Amendment "A" (H-842) proposed to clarify the emergency actions a property owner may take without a permit when the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened. It also proposed to provide standards for approval by the Department of Environmental Protection of a permit by rule for the repair or replacement of a structure that has been destroyed or threatened. It also proposed to add an emergency preamble and clause.

Enacted law summary

Public Law 2005, chapter 548 clarifies certain emergency actions that may be taken without a permit, if specified criteria are met, when the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened. It also provides standards for approval by the Department of Environmental Protection of a permit by rule for the repair or replacement of a structure that has been destroyed or threatened. It also repeals a provision in the Maine Revised Statutes, Title 38, section 480-E, subsection 9 that prohibits the Department of Environmental Protection from denying a permit for reconstruction of a structure solely because the structure is located in a V-Zone designated after January 1, 1999 by the Federal Emergency Management Agency for the National Flood Insurance Program.

Public Law 2005, chapter 548 was enacted as an emergency measure effective April 6, 2006.

LD 1888

An Act To Amend Certain Laws Administered by the Department of Environmental Protection

PUBLIC 561

<u>Sponsor(s)</u> KOFFMAN COWGER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-801 H-920 KOFFMAN
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LD 1888 proposed to make several changes to the laws administered by the Department of Environmental Protection. It proposed to:

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1. Amend the Maine Revised Statutes to remove a rule-making requirement related to identification of invasive aquatic species;
2. Amend erosion control standards in the quarry and gravel pit laws regarding externally drained areas, working pits, and reclaimed and unreclaimed areas;
3. Allow funds allocated to the Maine Coastal and Inland Surface Oil Clean-up Fund to be used for research related to inland oil spills;
4. Amend the law governing the siting of underground oil storage facilities to clarify that the owner of an abandoned underground oil facility may not make use of the statutory exemption allowing expansion of existing facilities within 1,000 feet of a public drinking water supply or 300 feet of a private drinking water supply; and
5. Streamline the manufacturer reporting requirements under the law governing recycling of televisions and computer monitors, and to allow sales figures reported to the Department of Environmental Protection by electronics manufacturers to be kept confidential.

Committee Amendment "A" (H-801) proposed to correct the date by which the Land and Water Resources Council must submit its final report regarding the study of state regulation of groundwater withdrawal. The amendment also proposed to clarify the amount of payment required by automobile manufacturers for mercury switches brought to consolidation facilities.

House Amendment "A" to Committee Amendment "A" (H-909) proposed to amend Committee Amendment "A". Committee Amendment "A" proposed to require automobile manufacturers to pay a minimum of \$4 for mercury switches brought to consolidation facilities if the vehicle identification number of the source vehicle is provided and a minimum of \$3 for mercury switches brought to consolidation facilities if the vehicle identification number of the source vehicle is not provided. This amendment proposed to retain until 45 days after the effective date of the legislation the requirement that manufacturers pay a minimum of \$3 for a mercury switch brought to a consolidation facility without a vehicle identification number and specifies that, after that time, if the vehicle identification number is not provided, no payment is required. House Amendment "A" was not adopted.

House Amendment "B" to Committee Amendment "A" (H-920) proposed to amend Committee Amendment "A". Committee Amendment "A" proposed to require automobile manufacturers to pay a minimum of \$4 for a mercury switch brought to a consolidation facility if the vehicle identification number of the source vehicle is provided and a minimum of \$3 for a mercury switch brought to a consolidation facility if the vehicle identification number of the source vehicle is not provided. This amendment proposed to retain until 45 days after the effective date of the legislation the requirement that manufacturers pay a minimum of \$3 for a mercury switch brought to a consolidation facility without a vehicle identification number as long as the switch is accompanied by signed certification that the switch was removed from a vehicle dismantled in Maine. After the 45 days, if the vehicle identification number is not provided, no payment is required.

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Enacted law summary

Public Law 2005, chapter 561 does the following. It:

1. Amends the section of law dealing with aquatic nuisance species control (Title 38, section 410-N, subsection 1, paragraph B) to remove a rule-making requirement related to identification of invasive aquatic species;
2. Amends the erosion control standard in the quarry and gravel pit laws. It requires all areas that are externally drained, other than working pits, to meet the standards of the erosion and sedimentation control law. It also requires that working pits must be naturally internally drained unless a variance is granted;
3. Adds a definition of "working pit" to the quarry law that is similar to the definition of "working pit" in the gravel pit law;
4. Allows allocated funds in the Maine Coastal and Inland Surface Oil Clean-up Fund to be used for research related to the impact of inland oil spills;
5. Amends the law governing the siting of underground oil storage facilities. Current law prohibits new underground oil storage facilities from being installed within 1000 feet of a public drinking water supply or 300 feet of a private drinking water supply. There are also exemptions to that prohibition. Chapter 561 provides that an existing underground facility would not be able to expand and an existing aboveground facility would not be able to be converted to an underground facility when the facility is within the setback limits if the facility has been out of service for more than 12 consecutive months, unless the commissioner has approved an application that allows the facility to remain temporarily out of service for a longer period;
6. Clarifies that aboveground oil storage facilities are permitted by the Office of the State Fire Marshal;
7. Allows sales figures reported to the Department of Environmental Protection by electronics manufacturers under the Electronic Waste law to be kept confidential;
8. Makes changes to manufacturers' plans and reporting requirements under the Electronic Waste law. It changes the date by which manufacturers must implement the collection plan. It removes certain specified information that under current law must be included in the manufacturer's plan and annual report;
9. Amends an incorrect statutory reference. It amends Public Law 2003, chapter 227, section 9 to change a statutory reference from Title 38, section 470-E to Title 38, section 470-H. Title 38, section 470-E has been repealed. The subject of Title 38, section 470-E, which addresses rulemaking related to water use standards, is now addressed by Title 38, section 470-H;
10. Corrects the date by which the Land and Water Resources Council must submit its final report regarding the study of state regulation of groundwater withdrawal; and
11. Requires automobile manufacturers to pay a minimum of \$4 for a mercury switch brought to a consolidation facility if the vehicle identification number of the source vehicle is provided. It also requires, until 45 days after the effective date of the legislation, manufacturers to pay a minimum of \$3 for a mercury switch brought to a consolidation facility without a vehicle identification number as long as the switch is accompanied by signed certification that the switch was removed from a vehicle dismantled in Maine. After the 45 days, if the vehicle identification number is not provided, no payment is required.