

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.

Joint Standing Committee on Natural Resources

LD 1925 **An Act To Protect Maine's Groundwater Resources** **INDEF PP**

<u>Sponsor(s)</u> EDMONDS	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1925 proposed to establish a reasonable use rule for groundwater withdrawals and to reject the common law doctrine of absolute dominion. It also proposed to permit a landowner to make any reasonable use of the groundwater underlying the landowner's land and proposed to define "reasonable use."

LD 1925 was indefinitely postponed without reference to committee.

LD 1937 **An Act To Implement the Recommendations of the Governor's Task Force Regarding the Shutdown of the Maine Energy Recovery Company Trash-burning Facility in Biddeford** **ONTP**

<u>Sponsor(s)</u> HOBBINS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1937, a concept draft, proposed to implement the recommendations of the Governor's task force regarding the shutdown of the Maine Energy Recovery Company trash-burning facility in Biddeford.

LD 1971 **Resolve, Directing a Review of Cleanup and Minimization Standards for Mold** **RESOLVE 174**

<u>Sponsor(s)</u> CRAVEN	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-887
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LD 1971 proposed to require the Department of Environmental Protection to establish by rule standards for the cleanup of mold.

Committee Amendment "A" (H-887), the majority report of the committee, proposed to replace the resolve. The amendment proposed to direct the Department of Environmental Protection and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to convene a working group to review issues regarding mold in buildings in the State and, by January 1, 2007, to make recommendations to the joint standing committees of the Legislature having jurisdiction over natural resources matters and health matters. It also proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation.

Enacted law summary

Resolve 2005, chapter 174 directs the Department of Environmental Protection and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to convene a working group to review issues

Joint Standing Committee on Natural Resources

regarding mold in buildings in the State and, by January 1, 2007, to make recommendations to the joint standing committees of the Legislature having jurisdiction over natural resources matters and health matters. It also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation.

LD 1975 **An Act To Ensure Adequate Funding for Cleanup of Hazardous Waste, Biomedical Waste and Waste Oil** **PUBLIC 549**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM MAJ OTP-AM MIN	H-843

LD 1975 proposed to increase revenue in the Maine Hazardous Waste Fund by adjusting the fees for the transport and disposal of hazardous waste. The bill proposed to eliminate the disparity between the fee charged for transport of waste within Maine and the fee assessed for waste transported into Maine from another jurisdiction. The bill proposed to authorize the Board of Environmental Protection to assess a fee for registration of biomedical waste generators. The bill proposed to require the Department of Environmental Protection to prepare a report on the adequacy of the Maine Hazardous Waste Fund and on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil.

Committee Amendment "A" (H-843), the majority report, proposed to incorporate a fiscal note.

Committee Amendment "B" (H-844), the minority report, proposed to exempt municipal and school facilities that generate biomedical waste from the registration fee proposed in the bill. Committee Amendment "B" was not adopted.

Enacted law summary

Public Law 2005, chapter 549 increases revenue in the Maine Hazardous Waste Fund by adjusting the fees for the transport and disposal of hazardous waste. It eliminates the disparity between the fee charged for transport of waste within Maine and the fee assessed for waste transported into Maine from another jurisdiction. It authorizes the Board of Environmental Protection to assess a fee for registration of biomedical waste generators. It requires the Department of Environmental Protection to prepare a report on the adequacy of the Maine Hazardous Waste Fund and on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil.