

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

natural resources matters on what, if any, activities or standard industrial codes should be added to the industrial storm water program.

Senate Amendment "A" to Committee Amendment "A" (S-594) proposed to allow the Department of Environmental Protection, if rules are enacted or amended that will significantly alter a plan for development that has already received a permit, to require the permittee to comply with the rules that were in effect at the time the permit was issued and, if practicable, additional requirements in the new or amended rules.

Enacted law summary

Public Law 2005, chapter 602 establishes an annual fee of up to \$300 for a general permit for industrial storm water discharges issued pursuant to the waste discharge laws. It also allows municipalities one year to bring their local storm water ordinances into compliance with any new or amended storm water rules that the Department of Environmental Protection adopts after the effective date of this legislation. It designates storm water rules as routine technical rules except for rules that are state mandates and it designates certain rules regarding the storage of petroleum products and quarries and borrow pits as routine technical rules until March 1, 2007. It directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on what, if any, activities or standard industrial codes should be added to the industrial storm water program. It also allows the Department of Environmental Protection, if rules are enacted or amended that will significantly alter a plan for development that has already received a permit, to require the permittee to comply with the rules that were in effect at the time the permit was issued and, if practicable, additional requirements in the new or amended rules.

LD 2037

Resolve, Regarding Source Water Protection Recommendations

RESOLVE 140

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2037 was reported out by the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. It proposed to direct the Drinking Water Program within the Department of Health and Human Services, in consultation with the Department of Environmental Protection, the Department of Conservation, Maine Geological Survey and the Department of Agriculture, Food and Rural Resources, to establish a process to allow public comment on recommendations described in a report dated February 2006 and submitted to the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. The bill also proposed to direct the program to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters that includes subsequent recommendations, takes into account coordination between water quantity and water quality and includes any necessary draft legislation. It also proposed to provide the joint standing committee of the Legislature having jurisdiction over natural resources matters the authority to report out legislation regarding the recommendations to the First Regular Session of the 123rd Legislature.

Enacted law summary

Resolve 2005, chapter 140 was reported out by the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. It directs the Drinking Water Program within the Department of Health and Human Services, in consultation with the Department of Environmental Protection, the Department of Conservation, Maine Geological Survey and the Department of Agriculture, Food and Rural Resources, to establish a process to allow public comment on recommendations described in a report dated February 2006 and submitted to the Joint

Joint Standing Committee on Natural Resources

Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. It also directs the program to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters that includes subsequent recommendations, takes into account coordination between water quantity and water quality and includes any necessary draft legislation. It also provides the joint standing committee of the Legislature having jurisdiction over natural resources matters the authority to report out legislation regarding the recommendations to the First Regular Session of the 123rd Legislature.

LD 2043

An Act To Further Reduce Mercury Use and Emissions

PUBLIC 590

<u>Sponsor(s)</u> COWGER DUCHESNE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-561
---	-----------------------------------	------------------------------------

LD 2043 proposed to reduce the existing mercury emission standard from 50 pounds per year to 35 pounds per year after January 1, 2007 and to 25 pounds per year after January 1, 2010. The bill also proposed to require that any facility that emits more than 10 pounds of mercury per year submit to the Department of Environmental Protection a mercury reduction plan by September 1, 2008.

Committee Amendment "A" (S-561) proposed to remove the requirement in the bill that a mercury reduction plan contain information related to the mercury generated by an emission source. The amendment also proposed to provide that the Department of Environmental Protection may keep information contained in a mercury reduction plan confidential if the information is a trade secret or production, commercial or financial information, the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

Enacted law summary

Public Law, chapter 590 reduces the existing mercury emission standard from 50 pounds per year to 35 pounds per year after January 1, 2007 and to 25 pounds per year after January 1, 2010. It also requires that any facility that emits more than 10 pounds of mercury per year submit to the Department of Environmental Protection a mercury reduction plan by September 1, 2008. It also provides that the Department of Environmental Protection may keep information contained in a mercury reduction plan confidential if the information is a trade secret or production, commercial or financial information, the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

LD 2070

Resolve, To Ensure the Availability of Public Drinking Water Supplies

RESOLVE 190

<u>Sponsor(s)</u> WESTON BOWLES	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-562
---------------------------------------	-----------------------------------	------------------------------------

LD 2070 proposed to provide that water use standards adopted by the Board of Environmental Protection, as applied to authorized water resources of water utilities in the State, must be based on the sustainable yield of such resources as determined by the drinking water program of the Department of Health and Human Services.