

# 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

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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DUCHESNE	OTP-AM	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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON BOWLES	OTP-AM	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.

## *Joint Standing Committee on Natural Resources*

**Committee Amendment "A" (S-562)** replaced the bill with a resolve that proposed to direct the Department of Environmental Protection to work with stakeholders to develop rules related to water withdrawals, and any necessary statutory amendments, that reconcile the objectives of protecting aquatic life and other designated uses and the ability of community public water systems to use their existing water supplies for the purpose of providing water service. The amendment 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 190 directs the Department of Environmental Protection to work with stakeholders to develop rules related to water withdrawals, and any necessary statutory amendments, that reconcile the objectives of protecting aquatic life and other designated uses and the ability of community public water systems to use their existing water supplies for the purpose of providing water service. 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.

**LD 2071**

**An Act To Increase Wetland Protection**

**PUBLIC 592**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-949

LD 2071 proposed to add a requirement providing that projects qualifying for Tier 1 wetland review must meet the habitat standards under the Maine Revised Statutes, Title 38, section 480-D, subsection 3. The bill also proposed to change the permit processing period for an application for Tier 1 activities from 30 days to 45 days. It also proposed to allow the Department of Environmental Protection to base its approval of a compensation project on the wetland management priorities identified by the department for the biophysical region or the watershed in which the project is located.

**Committee Amendment "A" (H-949)** proposed to require the Department of Environmental Protection to amend the rules regarding wetland compensation to lower the threshold for the amount of wetland impact that triggers wetland compensation from 20,000 square feet to 15,000 square feet.

### ***Enacted law summary***

Public Law, chapter 592 adds a requirement that projects qualifying for Tier 1 wetlands review must meet the habitat standards under the Maine Revised Statutes, Title 38, section 480-D, subsection 3. It changes the permit processing period for an application for Tier 1 activities from 30 days to 45 days. It allows the Department of Environmental Protection to base its approval of a compensation project on the wetland management priorities identified by the department for the biophysical region or the watershed in which the project is located. It requires the Department of Environmental Protection to amend the rules regarding wetland compensation to lower the threshold for the amount of wetland impact that triggers wetland compensation from 20,000 square feet to 15,000 square feet.