

# 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**  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

July 2007

**MEMBERS:**

SEN. JOHN L. MARTIN, CHAIR  
SEN. PHILIP L. BARTLETT, II  
SEN. DOUGLAS M. SMITH

REP. THEODORE S. KOFFMAN, CHAIR  
REP. ROBERT S. DUCHESNE  
REP. JANE E. EBERLE  
REP. CHRISTOPHER W. BABBIDGE  
REP. DAVID MIRAMANT  
REP. RICHARD V. WAGNER  
REP. JAMES M. HAMPER  
REP. JAMES D. ANNIS  
REP. JOHN F. McDONOUGH  
REP. BERNARD L. A. AYOTTE

**STAFF:**

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

# STATE OF MAINE

123<sup>RD</sup> LEGISLATURE

FIRST REGULAR SESSION

## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

*Joint Standing Committee on Natural Resources*

**LD 555**

**An Act To Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations**

**PUBLIC 238**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK	OTP-AM	H-179 H-290 HINCK

This bill requires a person to give to every household in a residential structure 30 days' notice by posting and by certified mail of an activity involving lead-based paint or that has a risk of creating a lead hazard if the structure is child-occupied. The notice may be a 7 days' notice if each adult who lives in the structure signs an acknowledgment and waiver form.

**Committee Amendment "A" (H-179)**

This amendment replaces the bill. The amendment requires landlords to give 30 days' notice when undertaking any repair, renovation or remodeling activity in a residential building built before 1978 that includes one or more units for rent. The 30-day notice of the work may be waived by obtaining from one adult tenant of each unit in the building a written waiver of the 30-day notice requirement and a written acknowledgement of receipt of notice. The amendment requires the waiver to be in plain language, to immediately precede the adult tenant's signature, to be printed in no less than 12-point boldface type and to be in substantially similar form to a waiver specified in the amendment. The amendment exempts emergency repairs from the notification requirements. Finally, the amendment provides that a person who violates the notice requirements is liable to the lessee for actual damages or \$100, whichever is greater, and reasonable attorney's fees and costs.

**House Amendment "A" (H-290)**

This amendment strikes the provision of Committee Amendment "A" that imposes a penalty of the greater of actual damages or \$100 and instead provides for a civil violation, subject to a fine of up to \$500 per violation, enforceable in either District Court or Superior Court.

**Enacted Law Summary**

Public Law 2007, chapter 238 requires landlords to give 30 days' notice when undertaking any repair, renovation or remodeling activity in a residential building built before 1978 that includes one or more units for rent. The 30-day notice of the work may be waived by obtaining from one adult tenant of each unit in the building a written waiver of the 30-day notice requirement and a written acknowledgement of receipt of notice. It requires the waiver to be in plain language, to immediately precede the adult tenant's signature, to be printed in no less than 12-point boldface type and to be in substantially similar form to a waiver specified in the law. Emergency repairs are exempt from the notification requirements. Finally, chapter 238 provides for a civil violation, subject to a fine of up to \$500 per violation, enforceable in either District Court or Superior Court.

**LD 587**

**An Act To Protect and Improve Lake Water Quality by Reducing Phosphorus in Lawn Care Fertilizer**

**PUBLIC 65**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE	OTP-AM	H-49

This bill adds a prohibition, beginning on January 1, 2008, against the sale or use of fertilizer containing phosphorus for nonagricultural law or turf unless a soil test indicates that additional phosphate is needed or the fertilizer will be used in the establishment of a new lawn. When establishing new grass on bare soil, the fertilizer must be tilled into the soil. The seller of fertilizer containing phosphorus for use on lawn or turf shall