

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
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd 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

123RD 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 123rd 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

Joint Standing Committee on Natural Resources

identify such fertilizer by a sign approved by the Department of Environmental Protection indicating that the product may not be used except as indicated. The sign must be positioned between 4 and 7 feet above the floor and prominently posted where fertilizers containing phosphorus for use on lawn or turf are displayed.

Committee Amendment "A" (H-49)

This amendment removes the provision of the bill that prohibits the use of fertilizer containing phosphorus. The amendment prohibits the sale of fertilizer containing phosphorus at retail stores after January 1, 2008 unless the seller posts a sign that indicates that the product is not appropriate for use on nonagricultural lawns or turf except when a soil test indicates the need for additional phosphorus or the fertilizer will be used in establishing a new lawn or turf or for reseeding or overseeding an existing lawn or turf. The amendment also directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources with recommendations on ways to protect or improve lake water quality. The committee is given authority to submit legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Public Law 2007, chapter 65 prohibits the sale of fertilizer containing phosphorus at retail stores after January 1, 2008 unless the seller posts a sign that indicates that the product is not appropriate for use on nonagricultural lawns or turf except when a soil test indicates the need for additional phosphorus or the fertilizer will be used in establishing a new lawn or turf or for reseeding or overseeding an existing lawn or turf. The amendment also directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources with recommendations on ways to protect or improve lake water quality. The committee is given authority to submit legislation to the Second Regular Session of the 123rd Legislature.

LD 597 Resolve, To Regulate Blasting Operators

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	ONTP	

This resolve directs the Department of Public Safety, Office of the State Fire Marshal to adopt rules to regulate companies and individuals that conduct blasting operations, including requiring registration, certificates of competency and a showing of financial capacity by the blasting concerns in case of personal injury or property damage.

LD 637 An Act To Limit Mercury Exposure

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY MARTIN	ONTP	

This bill requires the elimination of mercury in dental offices over a 3-year period. The bill also:

1. Requires dental schools to include in their curricula by January 2008 the risks of exposure to mercury;
2. Requires a dental office to post in the office the disclosure statement published by the Department of Health and Human Services, Bureau of Health on the risks of having mercury fillings;
3. Requires the Department of Environmental Protection to develop an education, outreach and assistance