

# MAINE STATE LEGISLATURE

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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

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# 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*

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

***Joint Standing Committee on Natural Resources***

program for dentists and requires dentists to file an annual report with the department describing the quantities of mercury amalgam purchased, used and recycled from dry sources and wet sources;

4. Requires the Department of Environmental Protection to establish rules for dental offices to limit mercury releases;
5. Establishes a penalty in the amount of not less than \$10,000 nor more than \$100,000 for a violation; and
6. Requires the Department of Environmental Protection to conduct a septic system study concerning the impact of dental mercury releases in rural areas.

**LD 692      An Act To Eradicate Invasive Aquatic Plants and Nuisance Species      ONTP**

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

This bill makes a one-time General Fund appropriation of \$2,000,000 in fiscal year 2007-08 to provide competitive grants to support public and private nonprofit efforts to eradicate invasive aquatic plants from the State's freshwater lakes, rivers and streams. The bill also requires that the Department of Environmental Protection administer the grants in accordance with guidelines developed by the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species. Grants may be awarded only to state and local government entities and 501(c)(3) organizations established and operating in the State.

**LD 733      An Act Concerning Deductibles for Underground Oil Storage Facilities and Tanks      ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON MARTIN	ONTP MAJ OTP-AM MIN	

This bill exempts from the conditional deductible requirement all nonconforming underground facilities and tanks that were removed prior to the enactment of the conditional deductible requirement.

**Committee Amendment "A" (H-96)**

This amendment, which was not adopted, is the minority report. The amendment incorporates a fiscal note.

**LD 774      An Act To Coordinate the Implementation of the In-stream Flow and Water Level Rules among the Department of Environmental Protection, the Drinking Water Program of the Department of Health and Human Services and the Public Utilities Commission      PUBLIC 235 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN BARTLETT	OTP-AM	H-252

This bill provides that any requirements placed on community water systems must be done in joint agreement between the Department of Environmental Protection, the drinking water program of the Department of Health