

MAINE STATE LEGISLATURE

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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

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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

and Human Services and the Public Utilities Commission.

Committee Amendment "A" (H-252)

This amendment replaces the bill. The amendment clarifies that the water use rules adopted by the Board of Environmental Protection are water use requirements adopted in accordance with the authority reserved to states under the federal Clean Water Act. It directs the board to incorporate into the rules a mechanism to reconcile the objective of protecting aquatic life and other uses with the objective of allowing community public water systems to use their existing water supplies to provide water service. It requires that a community water system withdrawal certificate must be reviewed and approved by the drinking water program of the Department of Health and Human Services, with technical assistance from the Public Advocate, before being issued by the Department of Environmental Protection. It also adds an emergency preamble and clause.

Enacted Law Summary

Public Law 2007, chapter 235 clarifies that the water use rules adopted by the Board of Environmental Protection are water use requirements adopted in accordance with the authority reserved to states under the federal Clean Water Act. It directs the board to incorporate into the rules a mechanism to reconcile the objective of protecting aquatic life and other uses with the objective of allowing community public water systems to use their existing water supplies to provide water service. It requires that a community water system withdrawal certificate must be reviewed and approved by the drinking water program of the Department of Health and Human Services, with technical assistance from the Public Advocate, before being issued by the Department of Environmental Protection.

Public Law 2007, chapter 235 was enacted as an emergency measure effective June 6, 2007.

LD 810 An Act To Improve Solid Waste Management

CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the laws governing the duties and responsibilities for managing solid waste. Under current law, responsibility for managing solid waste is shared by the Department of Environmental Protection and the State Planning Office. This bill would revise those duties and responsibilities in order to eliminate redundancy, as well as to eliminate any inadvertent gaps in oversight.

LD 810 was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 848 An Act To Encourage Greater Public Input into the State Environmental Licensing Process

PUBLIC 43

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANNIS BARTLETT	OTP	

This bill provides the authority to the Department of Environmental Protection to hold a public forum at which comments will be accepted and included as part of the official record in a pending proceeding. The purpose of this bill is to fill a gap between the receipt of written comments and the holding of an adjudicatory proceeding by allowing an additional means by which the public can provide comments.

Joint Standing Committee on Natural Resources

Enacted Law Summary

Public Law 2007, chapter 43 provides the authority to the Department of Environmental Protection to hold a public meeting at which comments will be accepted and included as part of the official record in a pending proceeding.

LD 895 An Act Concerning Blasting near Residential Areas

PUBLIC 297

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-169

This bill is a concept draft pursuant to Joint Rule 208. The bill, as emergency legislation, proposes to amend the current law concerning blasting and the use of explosives to break up or otherwise aid in the extraction or removal of a rock or other consolidated natural formation near residential areas. Specifically, the bill proposes to change the peak particle velocity standards in urban compact areas to protect residential housing developments from excessive continuous blasting. Further, the bill proposes to require a natural buffer between gravel pits and residential areas.

Committee Amendment "A" (S-169)

This amendment replaces the bill. The amendment does the following.

It allows the Department of Environmental Protection to charge rock crushers an annual fee for an air emissions license under a general permit.

It adds a provision to the site location law requiring all blasting to be conducted in accordance with performance standards unless otherwise approved by the department.

It amends the performance standards for gravel pits to clarify that the standards apply to any pit with a total area of 5 or more acres that is located on more than one parcel that is under a common owner or operator.

It amends the notice of intent to comply sections of the gravel pit laws and quarry laws to require that notice to abutters and municipalities be by certified mail.

It amends the performance standards of the gravel pit laws to clarify that setbacks from public drinking water sources apply to sources that exist at the time of filing a notice of intent to comply or exist prior to obtaining a permit for excavation into groundwater.

It amends the performance standards for quarries to clarify that the standards apply to any quarry with a total area of more than one acre that is located on more than one parcel that is under a common owner or operator.

It amends the performance standards of the quarry law to add a standard requiring the owner or operator to notify the department within 48 hours of a blast event if the event exceeds any of the blasting standards. The notice must include a description of the incident and its cause and the steps taken or planned to reduce, eliminate or prevent reoccurrence. Further use of explosives at the quarry may be suspended until written authorization to resume blasting is obtained from the department.

It amends the quarry law to require the owner or operator to develop and implement a plan that provides an opportunity for property owners within 1,000 feet of the blast site to receive prior notification of a scheduled