

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

LD 916 An Act To Permit the Sale of Certain Used Mercury-added Products

PUBLIC 98

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM	H-65

This bill exempts an antique barometer that is at least 100 years old from the ban on the sale of certain mercury-added products.

Committee Amendment "A" (H-65)

This amendment replaces the bill. The amendment exempts used products from the ban on the sale of mercury switches, relays, instruments and measuring devices.

Enacted Law Summary

Public Law 2007, chapter 98 exempts used products from the ban on the sale of mercury switches, relays, instruments and measuring devices.

LD 935 An Act To Continue To Ensure the Long-term Capacity of Municipal Landfills

PUBLIC 338

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKAS	OTP-AM	H-411

Public Law 2005, chapter 612 amended the Maine Hazardous Waste, Septage and Solid Waste Management Act to exempt, until January 1, 2007, publicly owned solid waste landfills from the definition of "commercial solid waste disposal facility" as long as that facility accepted only waste that is generated within the State. This bill continues the exemption retroactive to January 1, 2007.

Committee Amendment "A" (H-411)

This amendment changes the provisions in the bill that define "commercial solid waste disposal facility" by providing that:

1. A municipally owned landfill is a commercial landfill if it accepts waste that is not generated within the State unless the commissioner finds that the acceptance of that waste provides a substantial public benefit and the acceptance of that waste is approved by a majority of the voters of the municipality; and
2. Other publicly owned landfills, owned by public waste disposal corporations and refuse disposal districts, are commercial landfills if they accept waste that is not generated within the State unless the commissioner finds that the acceptance of that waste provides a substantial public benefit.

The amendment does not make any changes to the definition of commercial landfill relating to state-owned landfills.

Under the amendment, "waste that is generated within the State" includes: residue and bypass generated by incineration, processing and recycling facilities within the State; waste whether generated within the State or outside of the State used for daily cover, frost protection or stability; and waste generated within 30 miles of the facility.

Joint Standing Committee on Natural Resources

The amendment adds a new standard to be applied when the Commissioner of Environmental Protection makes a public benefit determination relating to the acceptance of waste that is not generated within the State.

Enacted Law Summary

Public Law 2007, chapter 338 provides that:

1. A municipally owned landfill is a commercial landfill if it accepts waste that is not generated within the State unless the commissioner finds that the acceptance of that waste provides a substantial public benefit and the acceptance of that waste is approved by a majority of the voters of the municipality; and
2. Other publicly owned landfills, owned by public waste disposal corporations and refuse disposal districts, are commercial landfills if they accept waste that is not generated within the State unless the commissioner finds that the acceptance of that waste provides a substantial public benefit.

Chapter 338 does not make any changes to the definition of commercial landfill relating to state-owned landfills.

Under chapter 338, "waste that is generated within the State" includes: residue and bypass generated by incineration, processing and recycling facilities within the State; waste whether generated within the State or outside of the State used for daily cover, frost protection or stability; and waste generated within 30 miles of the facility.

Chapter 338 also adds a new standard to be applied when the Commissioner of Environmental Protection makes a public benefit determination relating to the acceptance of waste at certain classes of facilities when that waste is not generated within the State.

**LD 968 **Resolve, Regarding Legislative Review of Portions of Chapter 587:
In-stream Flow and Lake and Pond Water Levels, a Major Substantive
Rule of the Department of Environmental Protection****

**RESOLVE 63
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-253

This resolve provides for legislative review of portions of Chapter 587: In-stream Flow and Water Level Standards, a major substantive rule of the Department of Environmental Protection.

Committee Amendment "A" (H-253)

This amendment authorizes final adoption of portions of Chapter 587: In-stream Flows and Lake and Pond Water Levels, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specified changes are made to the rule.

Enacted Law Summary

Resolve 2007, chapter 63 authorizes final adoption of portions of Chapter 587: In-stream Flows and Lake and Pond Water Levels, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specified changes are made to the rule.

Resolve 2007, chapter 63 was finally passed as an emergency measure effective June 6, 2007.