

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to enact measures designed to protect the rights of communities that are the geographic sites of solid waste disposal or incineration facilities.

LD 1200 An Act To Authorize the Department of Environmental Protection To Exclude Repeat Violators of Environmental Laws from Receiving Contracts with the Department

PUBLIC 300

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-170

This bill requires the Commissioner of Environmental Protection to debar from state contracts for 2 years any person that commits a repeat violation of environmental laws.

Committee Amendment "A" (S-170)

This amendment replaces the bill. The amendment authorizes the Commissioner of Environmental Protection to debar from department contracts, rather than State contracts generally, as in the bill, for 2 years any person that commits a repeat violation of environmental laws.

Enacted Law Summary

Public Law 2007, chapter 300 authorizes the Commissioner of Environmental Protection to debar from department contracts for 2 years any person that commits a repeat violation of environmental laws.

LD 1204 Resolve, To Impose a Moratorium on the Acceptance or Processing of an Application To Increase or Revise Licensing of New or Existing Incineration Facilities

ONTP

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

This resolve imposes a moratorium on the acceptance or processing of applications for new incinerator facilities and on increasing the capacity or amending the license of an existing incinerator facility.

LD 1219 Resolve, To Study Flood Control and Water Storage

RESOLVE 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-135

This bill adds flood control to the list of suitable designated uses for Class GPA waters.

Committee Amendment "A" (S-135)

The amendment changes the bill to a resolve. The amendment directs the Department of Environmental Protection and the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to undertake a study for the purpose of identifying ways to reduce the threat of flooding in the State. In conducting the study, the agencies are directed to invite the participation of interested stakeholders. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008 and the committee is authorized to submit legislation related to the report to the Second Regular

Joint Standing Committee on Natural Resources

Session of the 123rd Legislature. The amendment also directs the Maine Emergency Management Agency to review and submit a report on the criteria and procedures by which dams and flood control structures modify water levels in emergency circumstances and the procedures for notifying downstream properties of those water level modifications. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008.

Enacted Law Summary

Resolve 2007, chapter 80 directs the Department of Environmental Protection and the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to undertake a study for the purpose of identifying ways to reduce the threat of flooding in the State. In conducting the study, the agencies are directed to invite the participation of interested stakeholders. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008 and the committee is authorized to submit legislation related to the report to the Second Regular Session of the 123rd Legislature. Chapter 80 also directs the Maine Emergency Management Agency to review and submit a report on the criteria and procedures by which dams and flood control structures modify water levels in emergency circumstances and the procedures for notifying downstream properties of those water level modifications. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008.

**LD 1234 Resolve, Directing the Department of Environmental Protection and the
Public Utilities Commission To Develop a Program That Supports the
Recycling of Fluorescent Lamps**

RESOLVE 25

Sponsor(s)

MAKAS

Committee Report

OTP-AM

Amendments Adopted

H-97

This bill amends the definition of "mercury-added product" to include light bulbs containing mercury. Under current law, a retailer may not knowingly sell in this State a mercury-added product unless the item is labeled to clearly inform the purchaser or consumer that mercury is present in the item and that the item may not be disposed of or placed in a waste stream destined for disposal until the mercury is removed and reused, recycled or otherwise managed to ensure that it does not become part of solid waste or wastewater.

Committee Amendment "A" (H-97)

The amendment changes the bill to a resolve. The amendment requires the Department of Environmental Protection and the Public Utilities Commission to develop a program to support and expand the recycling of fluorescent lamps in the State, with a focus on household recycling. It requires the agencies to report on the program to the Joint Standing Committee on Natural Resources by January 1, 2008 and it authorizes the committee to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 25 requires the Department of Environmental Protection and the Public Utilities Commission to develop a program to support and expand the recycling of fluorescent lamps in the State, with a focus on household recycling. It requires the agencies to report on the program to the Joint Standing Committee on Natural Resources by January 1, 2008 and it authorizes the committee to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.