

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 1270 Resolve, To Clarify the Definition of Smart Growth

ONTP

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

This resolve requires the Executive Department, State Planning Office to adopt rules that define smart growth to include the reuse and rehabilitation of existing buildings.

LD 1274 An Act To Allow the Discharge of Aquatic Pesticides Approved by the Department of Environmental Protection for the Control of Mosquito-borne Diseases in the Interest of Public Health and Safety

PUBLIC 291

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE	OTP-AM	H-302

This bill adds an exception to the prohibition against issuance of a waste discharge license for the direct discharge of pollutants to waters having a drainage area of less than 10 square miles and for the discharge of pollutants to Class AA waters, Class GPA waters and Class SA waters. The new exception is for discharges of aquatic pesticides approved by the Department of Environmental Protection for the control of mosquito-borne diseases in the interest of public health and safety using materials and methods that provide for protection of nontarget species.

The bill allows the department to find that discharge of effluent to Class A waters will be equal to or better than the existing water quality of the receiving waters, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

This bill allows the department to find that discharged effluent to Class B waters will not cause adverse impact to aquatic life, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

This bill allows the department to find that discharged effluent to Class SB waters will not cause adverse impact to estuarine and marine life, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

Committee Amendment "A" (H-302)

This amendment requires the Department of Environmental Protection to notify a municipality in which the application of aquatic pesticides is licensed to occur and to post the notice on the department's website when the department issues a license for an authorized application for the control of mosquito-borne diseases.

Enacted Law Summary

Public Law 2007, chapter 291 adds an exception to the prohibition against issuance of a waste discharge license for the direct discharge of pollutants to waters having a drainage area of less than 10 square miles and for the discharge of pollutants to Class AA waters, Class GPA waters and Class SA waters. The new exception is for discharges of aquatic pesticides approved by the Department of Environmental Protection for the control of

Joint Standing Committee on Natural Resources

mosquito-borne diseases in the interest of public health and safety using materials and methods that provide for protection of nontarget species.

It allows the department to find that discharge of effluent to Class A waters will be equal to or better than the existing water quality of the receiving waters, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

It allows the department to find that discharged effluent to Class B waters will not cause adverse impact to aquatic life, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

It allows the department to find that discharged effluent to Class SB waters will not cause adverse impact to estuarine and marine life, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

It requires the Department of Environmental Protection to notify a municipality in which the application of aquatic pesticides is licensed to occur and to post the notice on the department's website when the department issues a license for an authorized application for the control of mosquito-borne diseases.

LD 1297 **Resolve, Regarding Measures To Ensure the Continued Health and Commercial Viability of Maine's Seacoast by Establishing Nutrient Criteria for Coastal Waters**

RESOLVE 49

Sponsor(s)

ADAMS

Committee Report

OTP-AM

Amendments Adopted

H-219

This resolve directs the Department of Environmental Protection to establish nutrient standards for coastal waters by January 31, 2008 to reduce marine pollution. It also directs the department to first focus on Casco Bay and then the rest of the State's coastal waters and to consult with affected entities in developing the standards. The department shall report its findings to the Joint Standing Committee on Natural Resources, which is authorized to submit legislation to the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-219)

This amendment replaces the resolve. The amendment removes the requirement in the resolve for the Department of Environmental Protection to develop nutrient standards for coastal waters and instead directs the Department of Environmental Protection to establish the process for setting nutrient criteria for coastal waters by January 31, 2008 to reduce marine pollution. The amendment removes language regarding the role of nutrient pollution as a source of pollution, removes language directing the department to work to implement standards for the rest of the State's waters once standards are established for Casco Bay and directs the department to include in its report any necessary implementing legislation.

Enacted Law Summary

Resolve 2007, chapter 49 directs the Department of Environmental Protection to initiate the development of water quality criteria for nutrients in state coastal waters. It directs the department to initiate a series of discussions with wastewater treatment facilities and interested organizations to solicit input and gather information. The department shall initially focus on the waters of Casco Bay. Finally, chapter 49 directs the department to report its findings to