

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

May 2008

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Natural Resources

LD 810 An Act To Improve Solid Waste Management

PUBLIC 583

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE	OTP-AM	H-799

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.

Committee Amendment "A" (H-799)

This amendment extends the statutory recycling and source reduction requirements to solid waste processing facilities. The amendment affirms that it is the policy of the State to use the solid waste hierarchy provided in the Maine Revised Statutes, Title 38 as a guiding principle in decision making related to solid waste management and clarifies that the State's policy applies to solid waste generated in the State and solid waste imported into the State. The amendment requires the Executive Department, State Planning Office to include analyses of marketplace consolidation and solid waste landfill fill rates in the annual solid waste generation and disposal capacity report. The amendment directs the Department of Environmental Protection to prepare a report on solid waste odor management. The amendment directs the Department of Environmental Protection and the State Planning Office to develop a system by which solid waste management activities are performed by the agencies. The amendment requires the Department of Environmental Protection to prepare a report detailing a method for setting mandatory recycling standards for all solid waste disposal facilities.

Enacted Law Summary

Public Law 2007, chapter 583 extends the statutory recycling and source reduction requirements to solid waste processing facilities. It affirms that it is the policy of the State to use the solid waste hierarchy provided in the Maine Revised Statutes, Title 38 as a guiding principle in decision making related to solid waste management and clarifies that the State's policy applies to solid waste generated in the State and solid waste imported into the State. It requires the Executive Department, State Planning Office to include analyses of marketplace consolidation and solid waste landfill fill rates in the annual solid waste generation and disposal capacity report. It directs the Department of Environmental Protection to prepare a report on solid waste odor management. It directs the Department of Environmental Protection and the State Planning Office to develop a system by which solid waste management activities are performed by the agencies. It requires the Department of Environmental Protection to prepare a report detailing a method for setting mandatory recycling standards for all solid waste disposal facilities.

LD 1392 An Act To Update the Dioxin Monitoring Program

PUBLIC 565

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-483

This bill repeals the laws governing the dioxin monitoring program, which sunset on December 31, 2007. The bill changes the laws governing the surface water ambient toxic monitoring program to include the relevant portions of the laws governing the dioxin monitoring program. Certain provisions of the dioxin monitoring program are continued in order to determine the status of fish consumption advisories on Maine rivers, streams and lakes. The bill provides that the Commissioner of Environmental Protection shall notify the owners or operators of selected facilities proposed for dioxin monitoring of each facility's inclusion in the commissioner's

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plan for monitoring pollutants.

Committee Amendment "A" (S-483)

This amendment caps the total fees that bleach kraft pulp mills subject to the Maine Revised Statutes, Title 38, section 420, subsection 2, paragraph I may be assessed for dioxin monitoring.

Enacted Law Summary

Public Law 565 changes the laws governing the surface water ambient toxic monitoring program to include relevant provisions of the laws governing the dioxin monitoring program, which laws were sunset in December 2007. Under chapter 565, the total fees that bleach kraft pulp mills subject to the Maine Revised Statutes, Title 38, section 420, subsection 2, paragraph I may be assessed for dioxin monitoring are capped at \$10,000 per fiscal year. Chapter 565 also provides that the Commissioner of Environmental Protection shall notify the owners or operators of selected facilities proposed for dioxin monitoring of each facility's inclusion in the commissioner's monitoring plan.

LD 1933 An Act To Extend the Deadline for Applications for Loans Associated with the Remediation of a Waste Oil Site in Plymouth

PUBLIC 479
EMERGENCY

Sponsor(s)

MARTIN

Committee Report

OTP

Amendments Adopted

This bill extends from 180 to 365 the number of days provided for those seeking to borrow funds from the Finance Authority of Maine to apply for funding to assist with the remediation of the Plymouth waste oil site.

Enacted Law Summary

Public Law 2007, chapter 479 extends from 180 to 365 the number of days provided for those seeking to borrow funds from the Finance Authority of Maine to apply for funding to assist with the remediation of the Plymouth waste oil site.

Public Law 2007, chapter 479 was enacted as an emergency measure effective February 14, 2008.

LD 1945 An Act To Update the Regional Greenhouse Gas Initiative

PUBLIC 608

Sponsor(s)

KOFFMAN

Committee Report

OTP-AM

Amendments Adopted

H-768

H-932 FITTS

This bill makes the following changes to the laws governing the regional greenhouse gas initiative.

1. It specifies that the State may not assess any indirect charges on any revenue received from the sale of carbon dioxide allowances.
2. It clarifies that funds from the Energy and Carbon Savings Trust, which under current law may be used by the Department of Environmental Protection for administering the allowance auction, may also be used by the Department of Environmental Protection for participating in the regional organization.
3. It specifies that the Commissioner of Environmental Protection and the members of the Public Utilities Commission may act as representatives for the State in the regional organization and may contract with organizations and entities to carry out the purposes of the regional greenhouse gas initiative.