

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

July 2007

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# STATE OF MAINE

123<sup>RD</sup> 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 123<sup>rd</sup> 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 1392    An Act To Update the Dioxin Monitoring Program**

**CARRIED OVER**

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

This bill repeals the laws governing the current dioxin monitoring program, which under current law are scheduled to 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 plan for monitoring pollutants.

LD 1392 was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

**LD 1417    An Act To Assist in the Cleanup of Waste Motor Oil Disposal Sites**

**ONTP**

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

This bill creates a stream of revenue to retire the costs of investigation and remediation at the Portland-Bangor Waste Oil Services Sites in Plymouth, Ellsworth and Casco where waste motor oil was stored and that are now contaminated. The Finance Authority of Maine is authorized to issue revenue obligation securities in amounts sufficient to cover a large percentage of the clean-up costs. These revenue obligation securities are to be retired with funds derived from a premium on motor oil. The premium is imposed at the wholesale level.

The State and instrumentalities of the State, including the Department of Transportation, the Department of Public Safety and counties and municipalities, are eligible to participate in the waste motor oil disposal site remediation program. The revenue obligation securities will also cover the shares of those businesses that maintained or repaired motor vehicles between 1953 and 1981 or their successors in interest, and that had waste motor oil deposited at one or more of the 3 sites. Any business that operated a fleet of 25 or more vehicles for which it performed its own maintenance and repairs and that contributed waste motor oil to one or more of the 3 sites is eligible for participation in the program. The United States Government and its instrumentalities are not eligible to participate in the program.

The bill creates the Waste Motor Oil Revenue Board to oversee the process and make determinations as to eligibility for participation in the program.

NOTE: See Committee Bill - LD 1929.

**LD 1430    An Act To Compensate Property Owners for Property Designated as a Significant Wildlife Habitat**

**ONTP**

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

## *Joint Standing Committee on Natural Resources*

This bill requires the State to compensate a person that owns land designated as a significant wildlife habitat with an annual rent in an amount equal to the fair market value of the loss of use of the land.

**LD 1431    An Act To Provide for the Protection of Communities That Host a Solid Waste Disposal Facility**

**PUBLIC 406**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO HOBBINS	OTP-AM	H-493

This bill requires solid waste disposal facilities and incineration facilities to have in place host community agreements and directs the Commissioner of Environmental Protection to establish a mediation process to hear and review disputes concerning host community agreements.

**Committee Amendment "A" (H-493)**

This amendment replaces the bill. The amendment expands on the provisions of the bill that deal with host community agreements.

1. It changes the definition of "host community."
2. It prohibits the Department of Environmental Protection from issuing a license unless a host community agreement is in place.
3. It requires commercial and publicly owned solid waste disposal facilities, including municipal and state-owned facilities, to have in place host community agreements during the development and operation and through closure of the facility.
4. If the host community and the facility cannot agree on the terms of agreement, this amendment requires the parties to submit to mediation and to arbitration if mediation is not successful.
5. It adds a provision requiring consideration of case-specific issues in connection with host community benefits for state-owned facilities.
6. It adds a mandate preamble.

**Enacted Law Summary**

Public Law 2007, chapter 406 accomplishes the following relating to host community agreements.

1. It defines "host community."
2. It prohibits the Department of Environmental Protection from issuing a license for a solid waste disposal facility unless a host community agreement is in place.
3. It requires commercial and publicly owned solid waste disposal facilities, including municipal and state-owned facilities, to have in place host community agreements during the development and operation and through closure of the facility.
4. If the host community and the facility cannot agree on the terms of agreement, it requires the parties to submit to mediation and to arbitration if mediation is not successful.