

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

Public Law 2007, chapter 187 requires the Department of Environmental Protection to charge interest at a rate of 15% per annum and authorizes the department to pursue enforcement, including suspension or revocation of a license, for the failure of a licensee to pay licensing fees by the due date.

LD 1508 An Act To Protect the Scenic Value of the Kennebec River

PUBLIC 364
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	H-422 KOFFMAN S-147

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to enact measures designed to protect the scenic value of the Kennebec River. In order to accomplish this, the Department of Environmental Protection is directed to:

1. Require greater buffer zones with natural vegetation on the riverbank;
2. Take measures to protect the integrity of the river; and
3. Restore and remediate the existing gravel pits along the river.

Committee Amendment "A" (S-147)

This amendment replaces the bill. Under current law, the Kennebec River from Bay Point in Georgetown to the Father Curran Bridge in Augusta is designated as an outstanding river segment. The amendment would continue the designation from Bay Point in Georgetown to the confluence of the Kennebec River with the Sebasticook River in Winslow as an outstanding river segment. It also directs the Department of Environmental Protection to review the setback and buffer standards for excavations and quarries, including how setbacks and buffers for areas of steep slopes are addressed, and report to the Joint Standing Committee on Natural Resources by January 15, 2008. It also authorizes the committee to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

House Amendment "A" (H-422)

This amendment adds an emergency preamble and emergency clause. The amendment requires that a 100-foot-wide natural buffer be maintained between the working edge of an excavation for borrow, clay, topsoil or silt and the normal high water line of a segment of the Kennebec River identified in the Maine Revised Statutes, Title 12, section 403, subsection 7.

The amendment also requires that a 100-foot-wide natural buffer be maintained between the working edge of a quarry excavation and the normal high water line of a segment of the Kennebec River identified in Title 12, section 403, subsection 7.

Enacted Law Summary

Public Law 2007, chapter 364 designates the Kennebec River from Bay Point in Georgetown to the confluence of the Kennebec River with the Sebasticook River in Winslow as an outstanding river segment. It requires that a 100-foot-wide natural buffer be maintained between the working edge of an excavation for borrow, clay, topsoil or silt and the normal high water line of a segment of the Kennebec River identified in the Maine Revised Statutes, Title 12, section 403, subsection 7. It also requires that a 100-foot-wide natural buffer be maintained between the working edge of a quarry excavation and the normal high water line of a segment of the Kennebec River identified in Title 12, section 403, subsection 7. Chapter 364 also directs the Department of Environmental Protection to review the setback and buffer standards for excavations and quarries, including

Joint Standing Committee on Natural Resources

how setbacks and buffers for areas of steep slopes are addressed, and report to the Joint Standing Committee on Natural Resources by January 15, 2008. It also authorizes the committee to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

Public law 2007, chapter 364 was enacted as an emergency measure effective June 20, 2007.

LD 1551 An Act To Establish a Seasonal Ban on the Operation of Outdoor Wood Boilers **ONTP**

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

This bill defines "outdoor wood boiler" and prohibits the operation of an outdoor wood boiler between April 1st and November 1st.

LD 1596 Resolve, Directing the Department of Environmental Protection To Study Construction and Demolition Debris Recycling **ONTP**

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

This resolve directs the Department of Environmental Protection to study and report its findings on the subject of construction and demolition debris that can be removed at a recycling facility to the Joint Standing Committee on Natural Resources, and it authorizes the committee to submit legislation to set minimum standards for waste reduction and resource recovery.

LD 1658 An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home **PUBLIC 296**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM MAJ ONTP MIN	H-231

This bill amends current law restricting the manufacture, sale and distribution in this State of products containing certain brominated flame retardants. The bill accomplishes the following.

1. It defines "brominated flame retardant."
2. It prohibits, beginning January 1, 2008, the manufacture, sale or distribution of mattresses or mattress pads or upholstered furniture intended for indoor residential use if they have plastic fibers that contain the "deca" mixture.
3. It prohibits, beginning January 1, 2010, the manufacture, sale or distribution of televisions and computers that have a plastic housing that contains the "deca" mixture.
4. It exempts from the "deca" restrictions transportation vehicles or products or parts, products or equipment used in industrial or manufacturing processes, and electronic wiring and cable used for power transmission.
5. It requires manufacturers to notify sellers of the manufacturer's product of the law, beginning January 1, 2008.
6. It requires the Department of Environmental Protection to develop a program to assist retailers in identifying