

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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STAFF:

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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.

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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

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products that might contain PBDEs.

7. Beginning January 1, 2010, it requires manufacturers of products that contain any brominated flame retardant to provide written notice to DEP. If the notice is not provided, the product may not be offered for sale in Maine.

8. It authorizes the department to participate in a regional, multistate clearinghouse to assist in carrying out any activities related to the administration of the proposed law.

9. It amends the review and reporting requirements of the Department of Environmental Protection and the Maine CDC. It requires DEP and the Maine CDC to review hazard and risk assessments in connection with brominated flame retardants; assessments of alternatives; and findings and rulings of the USEPA and the European Union. It requires DEP to report to the Natural Resources Committee every 2 years beginning in 2008.

10. It exempts used products.

Committee Amendment "A" (H-231)

This amendment is the majority report of the Joint Standing Committee on Natural Resources. The amendment:

1. Removes the use notification provision in the bill;
2. Authorizes the Commissioner of Environmental Protection to require a manufacturer to provide a certificate of compliance if there are grounds to suspect that a product is being offered for sale in violation of the law;
3. Makes a grammatical correction;
4. Changes the date a report is due from the department from 2008 to 2009; and
5. Authorizes the Commissioner of Environmental Protection to prohibit the manufacture, sale or distribution of mattresses or mattress pads, upholstered furniture intended for indoor use in a residence and televisions or computers that contain a flame retardant if the commissioner determines, in consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, that the prohibition is necessary to protect the public health and the environment and that a safer alternative to the flame retardant is nationally available and the State Fire Marshal determines that the alternative meets applicable fire safety standards.

Enacted Law Summary

Public Law 2007, chapter 296 amends current law restricting the manufacture, sale and distribution in this State of products containing certain brominated flame retardants. Chapter 296 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.

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- 6. It requires the Department of Environmental Protection to develop a program to assist retailers in identifying products that might contain PBDEs.
- 7. It authorizes the department to participate in a regional, multistate clearinghouse to assist in carrying out any activities related to the administration of the proposed law.
- 8. It amends the review and reporting requirements of the Department of Environmental Protection and the Maine CDC. It requires DEP and the Maine CDC to review hazard and risk assessments in connection with brominated flame retardants; assessments of alternatives; and findings and rulings of the USEPA and the European Union. It requires DEP to report to the Natural Resources Committee every 2 years beginning in 2008.
- 9. It exempts used products.
- 10. It authorizes the Commissioner of Environmental Protection to require a manufacturer to provide a certificate of compliance if there are grounds to suspect that a product is being offered for sale in violation of the law.
- 11. It authorizes the Commissioner of Environmental Protection to prohibit the manufacture, sale or distribution of mattresses or mattress pads, upholstered furniture intended for indoor use in a residence and televisions or computers that contain a flame retardant if the commissioner determines, in consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, that the prohibition is necessary to protect the public health and the environment and that a safer alternative to the flame retardant is nationally available and the State Fire Marshal determines that the alternative meets applicable fire safety standards.

LD 1685 Resolve, To Develop a Comprehensive Water Use Plan for Maine

ONTP

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

This resolve directs the Land and Water Resources Council to convene the Comprehensive Water Use Plan Steering Committee and to enter into a contract with a consultant selected by the steering committee to develop a comprehensive water use plan. The resolve designates the membership of the committee and the duties that the consultant is required to undertake. The Maine Geological Survey is directed to provide staff assistance to the steering committee and is designated as the lead agency of the steering committee. The Land and Water Resources Council is directed to submit a final report to the Joint Standing Committee on Natural Resources by January 15, 2009. The report must include the consultant's recommended comprehensive water use plan and any draft legislation necessary to implement the plan.

LD 1717 An Act To Promote Recycling of Cellular Telephones

PUBLIC 343

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BABBIDGE	OTP-AM	H-418

This bill requires a retail establishment that sells cellular telephones to accept used cellular telephones for reuse, recycling or proper disposal. The bill also requires retail establishments to report by January 1, 2008 to the Department of Environmental Protection with the reuse, recycling and disposal system they have implemented.

Committee Amendment "A" (H-418)