

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

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)

Joint Standing Committee on Natural Resources

This amendment replaces the bill. The amendment deletes the provisions in the bill that require retailers to have a specified system in place for the collection of used cellular telephones and replaces those provisions with a provision requiring retailers to accept used cellular telephones from any person beginning January 1, 2008. It also deletes from the bill the provision making it unlawful for retailers who do not comply with the law to sell cell phones in the State.

The amendment prohibits the disposal of cellular telephones in solid waste disposal facilities. It requires service providers to report to the Department of Environmental Protection the number of cellular telephones collected and how the collected phones were disposed of, reused or recycled. It also requires the Department of Environmental Protection to report on the collection program to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

Enacted Law Summary

Public Law 2007, chapter 343 requires retailers to accept used cellular telephones from any person beginning January 1, 2008. It requires service providers to report to the Department of Environmental Protection the number of cellular telephones collected and how the collected phones were disposed of, reused or recycled. It requires the Department of Environmental Protection to report on the collection program to the joint standing committee of the Legislature having jurisdiction over natural resources matters. It prohibits the disposal of cellular telephones in solid waste disposal facilities.

LD 1743 An Act Concerning the Sustainable Use of and Planning for Water Resources

PUBLIC 399

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-273

This bill provides for the creation of the Freshwater Resource Board to protect Maine groundwater, to protect the rights of all persons who own homes, farms and businesses over the groundwater and to protect the surface water that benefits from groundwater and the plants and wildlife that benefit. The bill provides for the continuation of water removal by water bottling interests when the removal of water does not threaten these goals. The bulk water transport permitting process is amended to make clear that transport for bottling is permitted. The bill transfers the authority to issue bulk water transport permits from the Commissioner of Health and Human Services to the Freshwater Resource Board and to also convey the power to set fees to carry out this law from the commissioner to the board.

Committee Amendment "A" (S-273)

The amendment replaces the bill. The amendment requires the Land and Water Resources Council to convene the Water Resources Planning Committee and describes requirements related to membership, meetings and reporting. It details a list of areas on which to focus effort. It also requires the committee to conduct an annual review of state policy in regard to certain topics, provide guidance to municipalities and develop and disseminate educational materials.

It requires an applicant for or a holder of a permit from the Department of Environmental Protection or the Department of Conservation who retains an environmental professional for the purpose of providing information to either agency to disclose if the environmental professional has a financial interest in the applicant, in the permit holder or in the property or activity that is the subject of the permit.

It adds to the list of exceptions in the bulk water transport laws so that water withdrawn pursuant to a permit issued by the Department of Environmental Protection or the Maine Land Use Regulation Commission does not