

# 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*

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

## *Joint Standing Committee on Natural Resources*

require transport authorization pursuant to the bulk water transport laws.

It repeals the legislative findings section of the bulk water transport laws.

It repeals 2 standards in the bulk water transport laws.

It amends the fee provisions of the Department of Environmental Protection to provide processing and licensing fee ceilings for a permit for a significant groundwater well and a permit for an activity within a community public water supply primary protection area.

It makes the following changes to the natural resources protection laws:

1. It adds a definition of "significant groundwater well";
2. It amends the prohibition provisions to provide that a person may not establish or operate a significant groundwater well without first obtaining a permit from the Department of Environmental Protection; and
3. It adds an additional standard applicable to significant groundwater wells.

It provides transition language for persons who are required to obtain a permit for a significant groundwater well but already are authorized to transport bulk water pursuant to the bulk water transport laws on the effective date of this Act.

It requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to amend their rules to require that a public information meeting be held prior to submission of an application for a significant groundwater well. The public information meeting must be in conformance with requirements for public information meetings contained in the Department of Environmental Protection's rules concerning the processing of applications and other administrative matters. These rules are routine technical rules.

It requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to periodically contract with independent environmental professionals to provide a technical review and assessment of monitoring information. It also requires each department to undertake rulemaking to develop a fee structure to provide funding for those contracts.

### **Enacted Law Summary**

Public Law 2007, chapter 399 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 require transport authorization pursuant to the bulk water transport laws.

It repeals the legislative findings section of the bulk water transport laws.

## *Joint Standing Committee on Natural Resources*

It repeals 2 standards in the bulk water transport laws.

It amends the fee provisions of the Department of Environmental Protection to provide processing and licensing fee ceilings for a permit for a significant groundwater well and a permit for an activity within a community public water supply primary protection area.

It makes the following changes to the natural resources protection laws:

1. It adds a definition of "significant groundwater well";
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3. It adds an additional standard applicable to significant groundwater wells.

It provides transition language for persons who are required to obtain a permit for a significant groundwater well but already are authorized to transport bulk water pursuant to the bulk water transport laws on the effective date of this Act.

It requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to amend their rules to require that a public information meeting be held prior to submission of an application for a significant groundwater well. The public information meeting must be in conformance with requirements for public information meetings contained in the Department of Environmental Protection's rules concerning the processing of applications and other administrative matters. These rules are routine technical rules.

It requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to periodically contract with independent environmental professionals to provide a technical review and assessment of monitoring information. It also requires each department to undertake rulemaking to develop a fee structure to provide funding for those contracts.

### **LD 1778    An Act To Amend Certain Laws Administered by the Department of Environmental Protection**

**PUBLIC 292**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-144

This bill:

1. Amends the law governing certification of underground oil storage tank installers by the Board of Underground Oil Storage Tank Installers. The amendments eliminate the current distinction between Class I and Class II installers and eliminate the requirement to complete 6 tank installations as a condition of certification. In lieu of the latter requirement, candidates for certification must demonstrate field experience in accordance with rules to be adopted by the board;
2. Amends the definition of "Code of Federal Regulations" to include those regulations effective on or before July 1, 2007;
3. Amends the definition of "Federal Water Pollution Control Act" to include amendments effective on or before July 1, 2007;