

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. JOHN L. MARTIN, CHAIR
SEN. PHILIP L. BARTLETT, II
SEN. DOUGLAS M. SMITH

REP. THEODORE S. KOFFMAN, CHAIR
REP. ROBERT S. DUCHESNE
REP. JANE E. EBERLE
REP. CHRISTOPHER W. BABBIDGE
REP. DAVID MIRAMANT
REP. RICHARD V. WAGNER
REP. JAMES M. HAMPER
REP. JAMES D. ANNIS
REP. JOHN F. McDONOUGH
REP. BERNARD L. A. AYOTTE

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.

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";
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.

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;

Joint Standing Committee on Natural Resources

4. Amends the transfer provision in the waste discharge laws to provide that application for transfer of a license must be made no later than 2 weeks after the transfer of ownership or interest in the source of the discharge is completed;
5. Adds a rescission provision to the stormwater management laws;
6. Amends the Fish River provision in the significant rivers list of the mandatory shoreland zoning laws to update a location description that refers to a bridge that has been removed;
7. Amends the volume standard in the timber harvesting standard of the mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;
8. Amends the volume standard in the clearing of vegetation standard of the mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;
9. Amends the bacteria standard for Class GPA waters in the water classification program to include *Escherichia coli* bacteria of domestic animal origin, consistent with other recent changes to bacteria standards in this program;
10. Amends the Fish River provision in the list of outstanding river segments in the natural resources protection laws to update a location description that refers to a bridge that has been removed;
11. Amends the Piscataquis River provision in the list of outstanding river segments in the natural resources protection laws to change the name of Little Squaw Township to Moosehead Junction Township;
12. Amends the exemption in the natural resources protection laws for cutting or clearing subject to mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;
13. Reduces the number of members on the Oil Spill Advisory Committee from 14 to 9;
14. Eliminates reference to 2 completed reporting requirements on the availability of insurance for oil storage tanks, while preserving the requirement to prepare an annual report on the adequacy of the Ground Water Oil Clean-up Fund;
15. Provides for the biennial report on hazardous waste handling prepared by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 1319-Q to be filed directly with the Legislature by November 1st. The bill also eliminates the need for the report to include recommendations for legislative action to develop and establish needed hazardous waste facilities. The current law provides for the report to be filed first with the Board of Environmental Protection for the purpose of making recommendations regarding the need for additional hazardous waste capacity. The board's responsibility to assess capacity needs was eliminated with the repeal of Title 38, section 1319-Q, subsection 3 in 1993;
16. Clarifies the law governing recycling of electronic waste by defining the term "consolidator" and amending the definitions of "consolidation facility" and "manufacturer;"
17. Requires the Department of Environmental Protection to submit the annual report on the removal of mercury switches from automobiles to the joint standing committee of the Legislature having jurisdiction over natural resources matters. Under current law, the report is submitted to the Mercury Products Advisory

Joint Standing Committee on Natural Resources

Committee, which ceased to exist as of August 1, 2006 by operation of law;

18. Adds language that removes any ambiguity that might be read into the State's environmental protection laws regarding the Department of Environmental Protection and Attorney General's shared responsibility for enforcement; and

19. Adds language that removes any ambiguity that might be read into the Department of Environmental Protection fee setting authority regarding the amount subject to increase when an application is submitted after its due date.

Committee Amendment "A" (S-144)

This amendment amends the exemption in the site location of development laws and natural resources protection laws to include aquaculture activities regulated by the Department of Marine Resources under the Maine Revised Statutes, Title 12, section 6072-A, 6072-B or 6072-C. The amendment also extends the date by which the Department of Environmental Protection shall report on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil and authorizes the Joint Standing Committee on Natural Resources to submit legislation dealing with the fees for the transport and disposal of hazardous waste to the 123rd Legislature by February 15, 2008. The amendment also makes a technical change to the bill.

Enacted Law Summary

Public Law 2007, chapter 292:

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;
4. Amends the transfer provision in the waste discharge laws to provide that application for transfer of a license must be made no later than 2 weeks after the transfer of ownership or interest in the source of the discharge is completed;
5. Adds a rescission provision to the stormwater management laws;
6. Amends the Fish River provision in the significant rivers list of the mandatory shoreland zoning laws to update a location description that refers to a bridge that has been removed;
7. Amends the volume standard in the timber harvesting standard of the mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;
8. Amends the volume standard in the clearing of vegetation standard of the mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;
9. Amends the bacteria standard for Class GPA waters in the water classification program to include

Joint Standing Committee on Natural Resources

Escherichia coli bacteria of domestic animal origin, consistent with other recent changes to bacteria standards in this program;

10. Amends the Fish River provision in the list of outstanding river segments in the natural resources protection laws to update a location description that refers to a bridge that has been removed;

11. Amends the Piscataquis River provision in the list of outstanding river segments in the natural resources protection laws to change the name of Little Squaw Township to Moosehead Junction Township;

12. Amends the exemption in the natural resources protection laws for cutting or clearing subject to mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;

13. Reduces the number of members on the Oil Spill Advisory Committee from 14 to 9;

14. Eliminates reference to 2 completed reporting requirements on the availability of insurance for oil storage tanks, while preserving the requirement to prepare an annual report on the adequacy of the Ground Water Oil Clean-up Fund;

15. Provides for the biennial report on hazardous waste handling prepared by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 1319-Q to be filed directly with the Legislature by November 1st. It also eliminates the need for the report to include recommendations for legislative action to develop and establish needed hazardous waste facilities;

16. Clarifies the law governing recycling of electronic waste by defining the term "consolidator" and amending the definitions of "consolidation facility" and "manufacturer;"

17. Requires the Department of Environmental Protection to submit the annual report on the removal of mercury switches from automobiles to the joint standing committee of the Legislature having jurisdiction over natural resources matters;

18. Adds language that removes any ambiguity that might be read into the State's environmental protection laws regarding the Department of Environmental Protection and Attorney General's shared responsibility for enforcement;

19. Adds language that removes any ambiguity that might be read into the Department of Environmental Protection fee setting authority regarding the amount subject to increase when an application is submitted after its due date;

20. Amends the exemption in the site location of development laws and natural resources protection laws to include aquaculture activities regulated by the Department of Marine Resources under the Maine Revised Statutes, Title 12, section 6072-A, 6072-B or 6072-C; and

21. Extends the date by which the Department of Environmental Protection shall report on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil and authorizes the Joint Standing Committee on Natural Resources to submit legislation dealing with the fees for the transport and disposal of hazardous waste to the 123rd Legislature by February 15, 2008.